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PENNSYLVANIA BULLETIN

Volume 41
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Number 6
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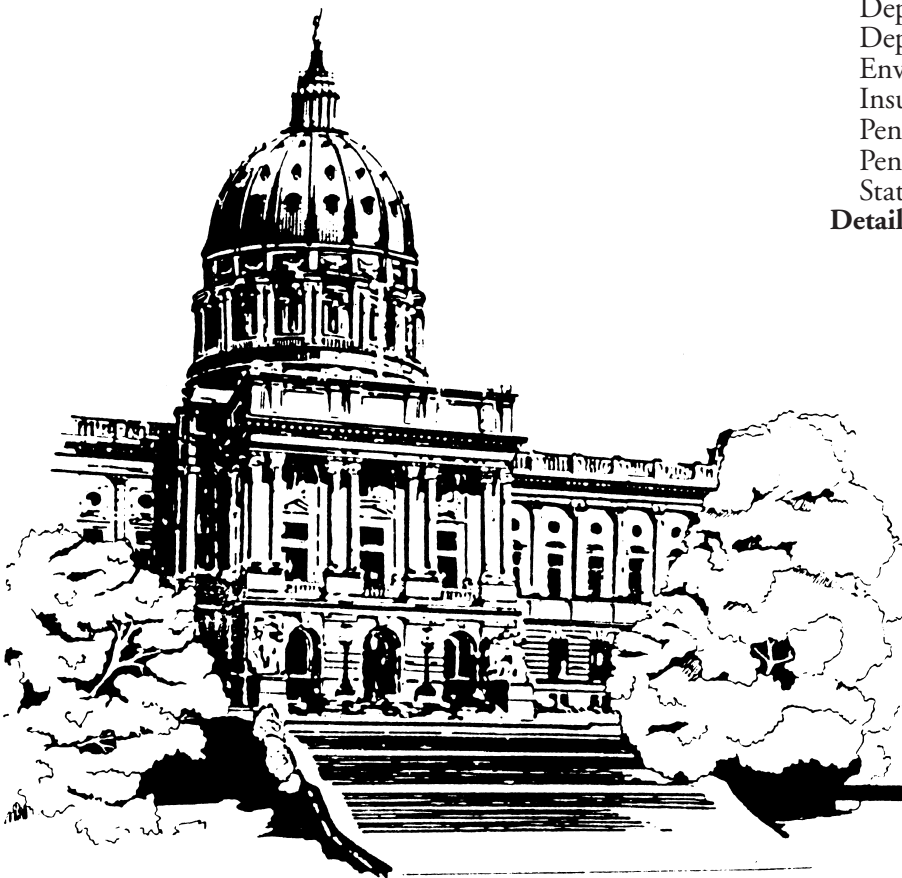
See Part II page 805
for the Environmental Quality
Board's Oil and Gas Wells

Part I

Agencies in this issue

The Governor
The Courts
Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Transportation
Environmental Quality Board
Insurance Department
Pennsylvania Council on Aging
Pennsylvania Public Utility Commission
State Police

Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 435, February 2011

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CONTENTS

THE GOVERNOR

Proclamation of emergency	723
---------------------------------	-----

THE COURTS

LOCAL COURT RULES

Dauphin County

Promulgation of local rules; no. 1989 CV 1793	724
---	-----

SUPREME COURT

Schedule of holidays for year 2012 for staffs of the appellate courts and the administrative office of Pennsylvania courts; no. 362 judicial administration doc.	725
Sessions of the Supreme Court of Pennsylvania for the year 2012; no. 207 appellate court rules doc.	726

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

General quarantine order; chronic wasting disease program requirements	727
--	-----

DEPARTMENT OF BANKING

Notices

Actions on applications	733
-------------------------------	-----

DEPARTMENT OF EDUCATION

Notices

Application of Andrea R. Fox for reinstatement of teaching certificates; doc. no. RE 10-02	735
--	-----

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Air Quality Technical Advisory Committee meeting cancellation	791
Applications, actions and special notices	735
Bid opportunity	792
Water Resources Advisory Committee meeting cancellation	792

DEPARTMENT OF HEALTH

Notices

Applications for exception:	
CH Hospital of Allentown—Brodheads ville MRI Suite	792
CH Hospital of Allentown—Easton Physical Therapy	792

CH Hospital of Allentown—Schoenersville MRI Suite	793
Community Medical Center	793
Elk Regional Health Center	793
J C Blair Memorial Hospital	794
Pine Grove Surgical Center	794
Surgical Center of York	794
Titusville Area Hospital	794
28 Pa. Code 153.1	795
The Western Pennsylvania Hospital	795
Health Policy Board annual meeting schedule for 2011	795
Organ Donation Advisory Committee meeting	795

DEPARTMENT OF TRANSPORTATION

Notices

Meetings scheduled	796
--------------------------	-----

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

Oil and Gas Wells	805
-------------------------	-----

Notices

Meeting cancellation	796
----------------------------	-----

INSURANCE DEPARTMENT

Notices

Keystone Health Plan East; medically underwritten individual HMO options rate filing	796
Surplus lines agents and interested parties; export list of insurance coverages	796

PENNSYLVANIA COUNCIL ON AGING

Notices

2011 meeting dates	797
--------------------------	-----

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Abandon rate GBM service	797
Purchase of property	797
Service of notice of motor carrier applications	797
Telecommunications	800
Transfer of tangible property	800

STATE POLICE

Notices

Mobile video recording system equipment standards and approved mobile video recording systems	801
---	-----

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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§ 3.44. General permission to reproduce content of Code and Bulletin.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2011.

4 Pa. Code (Administration)

Statements of Policy

9 522, 614

7 Pa. Code (Agriculture)

Statements of Policy

28c 351

25 Pa. Code (Environmental Protection)

Adopted Rules

78 805
105 219
129 229
250 230

31 Pa. Code (Insurance)

Adopted Rules

39 592
39a 592
84b 599
84c 600
84d 601
118a 602

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

20 16

52 Pa. Code (Public Utilities)

Adopted Rules

62 30

Proposed Rules

1001 435
1003 435
1005 435
1011 435
1013 435
1015 435
1017 435
1019 435
1021 435
1023 435
1025 435
1027 435
1029 435
1051 435
1053 435
1055 435
1057 435
1059 435
1061 435
1063 435
1065 435

55 Pa. Code (Public Welfare)

Statements of Policy

6000 352

58 Pa. Code (Recreation)

Adopted Rules

521 234
525 234

535 234
537 234
541 234
543 234
545 234
549 234
565 234
569 234

Proposed Rules

523 238
524 605
528 605
529 605
603a 238
605a 605
613a 605
615a 605

61 Pa. Code (Revenue)

Adopted Rules

1001 41

67 Pa. Code (Transportation)

Adopted Rules

83 46

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83 331

207 Pa. Code (Judicial Conduct)

Adopted Rules

51 332

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 7, 214, 215, 333
3000 333
4000 334
Part II 336

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

10 216

237 Pa. Code (Juvenile Rules)

Proposed Rules

1 8
8 8
11 8
12 8
18 8

255 Pa. Code (Local Court Rules)

Unclassified ... 14, 218, 344, 346, 521, 588, 589, 590, 724

THE GOVERNOR

Proclamation of Emergency

January 21, 2011

Whereas, a prolonged period of severe winter weather across the northeastern United States including Pennsylvania has resulted in serious logistical problems associated with the distribution and delivery of propane gas and heating oil in the Commonwealth; and

Whereas, representatives from the propane gas and heating oil industry indicate that relief from hour of service limitations for drivers of commercial motor vehicles is necessary to overcome these logistical problems; and

Whereas, investigations made on my behalf by the Department of Environmental Protection and the Pennsylvania Emergency Management Agency have determined that the Commonwealth is at this time in need of greater flexibility in the application of federal and state motor carrier regulations to drivers of commercial vehicles transporting propane gas and heating oil within the state; and

Whereas, a duly declared emergency is necessary in order for the Pennsylvania Department of Transportation to waive federal and state motor carrier regulations related to hours of service for drivers of commercial motor vehicles transporting propane gas and heating oil to avoid interruption of the deliver of supplies of propane gas and heating oil in quantities essential to public welfare within the Commonwealth; and

Whereas, the serious impact of this continuing weather event on both the immediate and long-term economy of the Commonwealth represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101, et seq.), I do hereby proclaim the existence of a disaster emergency across the Commonwealth. In accordance with the State Emergency Operations Plans, I hereby direct the Pennsylvania Department of Transportation to waive any laws or regulations in the manner and to the extent necessary to permit the motor carrier operations necessary to provide supplies of propane gas and heating oil adequate to preserve the public welfare in the Commonwealth. This proclamation does not direct or authorize the waiver of any provisions of Title 18 of the Pennsylvania Consolidated Statutes (the Crimes Code) or Title 75 of the Pennsylvania Consolidated Statutes (the Vehicle Code). This proclamation shall terminate at 11:59 p.m., February 7, 2011, unless extended by an amendment.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this twenty-first day of January in the year of our Lord, two thousand eleven, and of the Commonwealth, the two hundred and thirty-fifth.



Governor

[Pa.B. Doc. No. 11-204. Filed for public inspection February 4, 2011, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1989 CV 1793

Order

And Now, this January 20, 2011, Dauphin County Local Rules 1915.3, 1915.4-2 and 1915.15(c) are amended as follows:

Rule 1915.3. Custody Actions.

(a) Commencement of Custody Actions

1. A custody action shall be commenced by the filing of an original and one copy of either a custody complaint or a divorce complaint that contains a custody count with the Prothonotary.

2. In addition to the filing fees assessed for the filing of complaints, an additional administrative fee in the amount of \$110.00 shall be paid to the Prothonotary simultaneously with the filing of the custody complaint or the divorce complaint which contains a custody count.

3. The Prothonotary shall forward the original custody complaint or divorce complaint which contains a custody count to the Court Administrator's Office for assignment to a Custody Conference Officer.

4. The Custody Conference Officer shall set the date, time and place of the conference and file a scheduling order with the Prothonotary.

5. Plaintiff(s) shall serve the complaint and the scheduling order upon Defendant(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file an appropriate certificate of service with the Prothonotary before the date of the scheduled conference.

(b) Subsequent actions (petitions for modification or contempt)

1. An original and one copy of the petition for modification of a custody order or a petition for contempt of a custody order shall be filed with the Prothonotary.

2. An administrative fee of \$110.00 shall be paid to the Prothonotary simultaneously with the filing of either the petition for modification of a custody order or a petition for contempt of a custody order.

3. The Prothonotary shall forward the original petition for modification of a custody order or petition for contempt of a custody order to the Court Administrator's Office for assignment to a Custody Conference Officer.

4. The Custody Conference Officer shall set the date, time and place of the conference and file a scheduling order with the Prothonotary.

5. The Petitioner shall serve the petition for modification or contempt and the scheduling order upon the Respondent promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file an appropriate Certificate of Service with the Prothonotary before the date of the scheduled conference.

6. A copy of the most recent custody order shall be attached to the petition for modification or contempt.

(c) All parties in a contested custody case are strongly encouraged to attend the Seminar for **[Separated Families] Families in Conflict** before attendance at the custody conference before a conference officer. To this end, when a custody complaint, petition for modification or petition for contempt are filed with the Prothonotary, all parties shall be provided with a copy of this rule and a pamphlet which provides information on the Seminar for **[Separated Families] Families in Conflict**. If the filing party is represented, the attorney shall provide this information to his/her client and to all opposing parties. If the filing party is not represented, the conference officer shall provide this information to all parties.

NOTE: This amendment is necessary due to the recent change of the name of the seminar by its provider, InterWorks.

Rule 1915.4-2. Custody Conference Officers.

(a) Custody Conference Officers shall be appointed by the Court to:

1. meet with the parties and counsel in a custody action to try to work out an agreed custody arrangement;

2. recommend the appointment of counsel for the child(ren) in appropriate situations;

3. recommend the utilization of home studies and/or expert witnesses in appropriate situations;

4. prepare agreed interim or final orders for review by the Court.

(b) The compensation of Custody Conference Officers shall be set by order of court.

(c) If the parties are able to reach an agreement during the custody conference, the Custody Conference Officer shall prepare a proposed order memorializing the agreement. The proposed order shall be submitted to the judge assigned to handle custody matters for review. The proposed order shall not contain any reference to child support. If approved, the order shall be filed with the Prothonotary and copies shall be distributed to all parties.

(d) To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in a custody hearing before the court. The Custody Conference Officer shall not be a witness for or against any party in a custody hearing before the court or in any other proceeding whatsoever.

(e) 1. If the parties are unable to reach an agreement during the custody conference, the Custody Conference Officer shall prepare a Conference Summary Report. The Conference Summary Report shall contain facts gathered by the Custody Conference Officer during the conference and outline the issues for resolution by the Court. The Conference Summary Report shall be filed with the Prothonotary and copies shall be distributed to all parties. The Prothonotary shall forward the Conference Summary Report to the Court Administrator's Office and the case will be assigned to a judge.

2. All parties are required to attend the Seminar for **[Separated Families] Families in Conflict** (Seminar) if an agreement is not reached at the custody conference. At the conclusion of the conference, the Custody Confer-

ence Officer will serve the parties with the date and time they are scheduled to attend the Seminar.

3. All parties must attend the Seminar prior to the hearing before a judge. Any request for an extension of time within which to attend the Seminar shall be made to the assigned judge in a motion filed with the Prothonotary. The fee for the Seminar shall be determined by the provider and must be paid prior to the Seminar. Payment shall be made by certified check, money order or cash. No personal checks will be accepted. No hearing or trial shall be delayed because of the failure of a party to attend the Seminar.

NOTE: This amendment is necessary due to the recent change of the name of the seminar by its provider, InterWorks.

Rule 1915.15(c). Cover Sheet to Custody Complaint, Petition for Modification or Petition for Contempt.

In addition to the information required by Pa.R.C.P. 1915.15(a) or 1915.15(b), each Complaint, Petition for Modification or Petition for Contempt relating to child custody or visitation shall contain a cover sheet in the following format:

	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	CIVIL ACTION
	:	CUSTODY/VISITATION
	:	
Defendant	:	NO.

ORDER OF COURT

AND NOW, upon consideration of the attached Complaint, Petition for Modification or Petition for Contempt of a Custody Order, it is hereby directed that the parties and their respective counsel appear before the Custody Conference Officer, on the _____ day of _____, _____, Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania for a Custody Conference. At such Conference, an effort will be made to resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court, and to enter into a Temporary Order. Children should not attend the conference unless requested by the Custody Conference Officer.

The Court strongly recommends that all parties immediately attend the Seminar for **[Separated Families] Families in Conflict** presented by **[Interworks] InterWorks** which provides helpful information on communication concerning the child(ren) despite disagreements of the parties on those and other topics. Call **[Interworks] InterWorks** to schedule attendance at (717) 236-6630. If resolution is not reached at the custody conference, the Court will order the parties to attend the Seminar.

FOR THE COURT:

Date _____ By _____
Custody Conference Officer

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH

INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at (717) 780-6624. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference.

NOTE: This amendment is necessary due to the recent change of the name of the seminar by its provider, InterWorks.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

TODD A. HOOVER,
President Judge

[Pa.B. Doc. No. 11-205. Filed for public inspection February 4, 2011, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2012 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 362 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 19th day of January, 2011, it is hereby ordered that the following paid holidays for calendar year 2012 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 2, 2012	New Year's Day (Observed)
January 16, 2012	Martin Luther King, Jr. Day
February 20, 2012	Presidents' Day
April 6, 2012	Good Friday
May 28, 2012	Memorial Day
July 4, 2012	Independence Day
September 3, 2012	Labor Day
October 8, 2012	Columbus Day (Observed)
November 6, 2012	Election Day
November 12, 2012	Veterans Day (Observed)
November 22, 2012	Thanksgiving Day
November 23, 2012	Day After Thanksgiving
December 25, 2012	Christmas Day

[Pa.B. Doc. No. 11-206. Filed for public inspection February 4, 2011, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania
for the Year 2012; No. 207 Appellate Court Rules
Doc.**

Order

Per Curiam:

And Now, this 19th day of January, 2011, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2012 as follows:

Philadelphia (Administrative Session)	February 2
Philadelphia	March 5 through March 9
Harrisburg (Administrative Session)	March 22
Pittsburgh	April 9 through April 13
Harrisburg	May 7 through May 11
Pittsburgh (Administrative Session)	June 7
Philadelphia	September 10 through September 14
Pittsburgh	October 15 through October 19
Harrisburg	November 26 through November 30

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 11-207. Filed for public inspection February 4, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order; Chronic Wasting Disease Program Requirements

Recitals

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of susceptible species of the genera *Cervus*, *Odocoileus* and *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer and hybrids thereof.

B. There is no known treatment for CWD infection, and no successful vaccine against this disease.

C. CWD is believed to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials occurring through shared environment or close contact.

D. CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (Law) (3 Pa.C.S. §§ 2301—2389), at 3 Pa.C.S. § 2321(d).

E. The Department of Agriculture (Department) has broad authority under the Law to regulate the keeping, transport and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD could negatively impact this Commonwealth's wild and domestic (farmed or captive) cervid populations. CWD is of particular concern to the captive/farmed cervid industry, in that presence of CWD infection in a herd may result in the destruction of the entire herd and may severely limit the market for product in this Commonwealth.

H. Although CWD has not, to date, been detected in this Commonwealth, it has been detected in cervids in New York, Virginia and West Virginia, and is known to be present in a number of other States and several Canadian Provinces.

I. On August 4, 2006, the Department issued a General Quarantine Order addressing the CWD threat. This Order, published at 36 Pa.B. 4612 (August 19, 2006), required persons who own or maintain one or more CWD-susceptible animals to enroll and participate in either the CWD Herd Certification Program or the CWD Herd Monitoring Program.

J. By this Order, the Department is rescinding and supplanting the referenced August 4, 2006, General Quarantine Order to reflect the experience the Department has gained in administering the referenced general quarantine, as well as its current understanding of the threat posed by CWD.

Order of Quarantine

With the foregoing recitals incorporated into this Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(d). The terms of this Order are as follows:

1. *Quarantine Area.* This General Quarantine is applicable to the entire Commonwealth of Pennsylvania.

2. *August 4, 2006 General Quarantine Order.* The August 4, 2006 General Quarantine Order, published at 36 Pa.B. 4612 (August 19, 2006), is hereby rescinded and supplanted by this General Quarantine Order. Persons, premises and animals that were enrolled in either the CWD Herd Certification Program or the CWD Herd Monitoring Program under authority of the August 4, 2006 General Quarantine Order shall remain enrolled under the authority of this Order, and shall be subject to the terms and requirements of this Order. Persons currently enrolled under either of these Programs shall be afforded up to 60 days from the date of this Order within which to come into compliance with any new or different requirements imposed by this Order.

3. *Program Enrollment Requirement.* Any person or business that owns or maintains one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer or hybrid thereof, in captivity within this Commonwealth shall provide the Department with a completed Program Enrollment Form, as described in Section 5. The requirements of this Order are applicable to any type of location or operation at which CWD-susceptible cervids are maintained, including (but not limited to) private residences, farms, hunting ranches, zoological displays and menageries.

4. *Meeting the Program Enrollment Requirement; Required Adherence to Herd Certification or Herd Monitored Protocols.* Farmed or captive CWD-susceptible cervids as described in Section 3 present on each premises described in Section 3 shall be enrolled by the cervid owner in either the CWD Herd Certification Program or the CWD Herd Monitored Program (both of which are described as follows). A cervid owner that is required to enroll one or more CWD-susceptible cervids under this Order, and who enrolls the animals in either the CWD Herd Certification Program or the CWD Herd Monitored Program, shall be referred to as a "program participant" throughout this Order. The program participant shall be responsible to maintain the subject animal or herd in compliance with all of the requirements of the Program in which it is enrolled. The Department will promptly mail or deliver Program Enrollment Forms to any person who requests the forms. Enrollment shall be completed by delivering a completed Program Enrollment Form to the Department by any of the means described in Section 8.

5. *Obtaining a Program Enrollment Form.* The Program Enrollment Forms described in Section 4 (for either the CWD Herd Certification Program or the CWD Herd Monitored Program) may be obtained by:

a. Telephoning the Department at (717) 783-5309 and requesting that a form be provided by mail or fax.

b. Mailing or presenting a request to the Department at the following address:

Pennsylvania Department of Agriculture
ATTN: CWD Coordinator
2301 North Cameron Street
Harrisburg, PA 17110-9408

c. Downloading the forms from the Department's web site (www.agriculture.state.pa.us).

6. *Contents of the Program Enrollment Form for the CWD Herd Certification Program.* The Program Enrollment Form for the CWD Herd Certification Program shall require the following information:

a. Name, address, telephone number and e-mail address of the person who owns each subject farmed or captive cervid.

b. Name, address, telephone number and e-mail address of the person who maintains each subject cervid, if other than the owner.

c. Mailing address of premises at which each subject cervid is maintained in captivity or driving directions to the premises if there is no mailing address where each subject cervid is maintained.

d. Number of cervids maintained on the premises, by species.

e. The official identification (as described in Section 9(i)), farm identification, sex and date of birth of each subject cervid.

f. The date of acquisition and source of each subject cervid that was not born into the herd.

g. The location at which the records required under the Herd Certification Program shall be maintained and made available for inspection by the Department.

7. *Contents of the Program Enrollment Form for the CWD Herd Monitored Program.* The Program Enrollment Form for the CWD Herd Monitored Program shall require the following information:

a. Name, address, telephone number and e-mail address of the person who owns each subject farmed or captive cervid.

b. Name, address, telephone number and e-mail address of the person who maintains each subject cervid, if that person is other than the owner.

c. Mailing address of premises at which each cervid is maintained in captivity, or driving directions to the premises if there is no mailing address where each cervid is maintained.

d. The number of each species of farmed or captive CWD-susceptible cervid on the premises. An estimate may be provided if the exact number cannot be determined.

e. The date of acquisition and source of each subject cervid that was not born into the herd.

f. The location at which the records required under the Herd Monitored Program shall be maintained and made available for inspection by the Department.

8. *Delivering the Program Enrollment Form.* A person required to file a Program Enrollment Form under this Order shall deliver the completed Form to the Department by faxing it to (717) 787-1868, or mailing or delivering it to the address set forth in Section 5(b).

9. CWD Herd Certification Program.

a. *Program established.* The Chronic Wasting Disease Herd Certification Program (Herd Certification Program),

as established by the August 4, 2006, General Quarantine Order described in Section 2, is continued, as modified by this Order.

b. *Status of Herd.* The Herd Certification Program is a 5-year process by which a herd of farmed or captive CWD-susceptible cervids may achieve "Certified Status." the Department shall note the date of enrollment of a particular herd of farmed or captive CWD-susceptible cervids in the Herd Certification Program. The status of that enrolled herd shall be "First Year Status" for the first year following that date of enrollment. On the first four enrollment anniversary dates following enrollment, and if all of the applicable requirements of this Order have been met, the status of the herd shall be upgraded by 1 year. On the fifth enrollment anniversary date (that is, after 5 consecutive years of program participation have been completed), the status of the herd shall be upgraded to "Certified Status" if all of the conditions of the Herd Certification Program have been complied with, and this status shall last as long as the herd is CWD-free and continues to meet Herd Certification Program standards. If the herd is withdrawn from the Herd Certification Program and subsequently re-enrolled, the herd will be reassigned "First Year Status" and the 5-year process toward "Certified Status" shall begin again.

c. *Duty to Report Suspect Cervids.* A program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and all caretakers of that herd shall immediately report any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) to the Department. Also, upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, from a carcass in an advanced state of decomposition, the program participant, owner or caretaker shall immediately report this death to the Department. This report shall be made promptly to the Department Regional Office or by telephone to the number set forth in Section 5(a).

d. *Mandatory Testing.* A program participant with a herd that is enrolled in the Herd Certification Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested in accordance with this Section if any of the following occur after the date of enrollment in the Herd Certification Program:

i. The cervid shows signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD and the cervid dies or is killed.

ii. The cervid is 12 months of age or older and is sent to a slaughter facility.

iii. The cervid is 12 months of age or older and dies for any reason (including accident, natural causes, harvesting, culling or any other cause).

e. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids designated as CWD Suspects.* If a dead farmed or captive CWD-susceptible cervid is required to be tested because it showed signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD before it died or was killed, as described in Subsection (d)(i), it shall be tested according to either of the following procedures:

i. A person may immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid.

B. Deliver the carcass or head for CWD testing. The carcass or head shall be delivered to either a Department

laboratory for this CWD testing, or to a laboratory that has been approved, in advance, by the Department and/or USDA, within 72 hours of the cervid's death, to perform this CWD testing.

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure may be followed:

A. Tissue samples shall be collected by one of the following:

- I. An accredited practitioner of veterinary medicine.
- II. An authorized State official.
- III. An authorized Federal official.

IV. Another person who meets the current qualifications regarding authorized sample collectors, as prescribed by the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS). A Department-certified CWD Technician does not meet the requirements of this subparagraph.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of:

the obex and the medial retropharyngeal lymph nodes preserved in formalin; and

in a separate container that does not contain formalin or any other preservative, a small portion of the ear that includes the official identification of the subject cervid.

D. The tissue samples shall be delivered to the Department for testing, or to a laboratory that has been approved in advance by the Department and/or USDA, within 72 hours of the cervid's death, to perform CWD testing.

f. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* If a farmed or captive CWD-susceptible cervid does not exhibit signs (as described in Subsection (d)(i)) that are consistent with CWD, and is required to be tested because it is 12 months of age or older and was either sent to a slaughter facility or died for any reason, as described in Subsections (d)(ii) and (d)(iii), it shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

- A. An accredited practitioner of veterinary medicine.
- B. An authorized State official.
- C. An authorized Federal official.
- D. A Department-certified CWD Technician.

E. Another person who meets the current qualifications regarding authorized sample collectors, as prescribed by USDA/APHIS.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of:

the obex and the medial retropharyngeal lymph nodes preserved in formalin; and

in a separate container that does not contain formalin or any other preservative, a small portion of the ear that includes the official identification of the subject cervid.

iv. The tissue samples shall, within 30 days of collection, be delivered to the Department for testing, or to a

laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

v. As an alternative to the testing protocol described in Subsections (f)(i), (f)(ii), (f)(iii) and (f)(iv), a person may, within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid or the entire head of the cervid to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department and/or USDA to perform CWD testing. The person who collects or delivers the carcass or head need not be a sampler as described in Subsection (f)(i).

g. *Impact of Untestable Samples on Enrollment Status.* The Department may lower the status of a herd that is enrolled in the Herd Certification Program, or move that herd to the Herd Monitored Program, if a sample from a dead cervid from that herd cannot be tested to determine whether that cervid has CWD. Adherence to the 72-hour deadlines established in Subsections (e)(ii) and (f)(ii) will be considered a mitigating factor by the Department in any reevaluation of herd status.

h. *Chain of Custody of Samples; Submission of Samples.* A person may obtain Chain-of-Custody Forms and Sample Submission Forms from the Department as set forth in Section 5. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for analysis under the Herd Certification Program shall complete a Chain-of-Custody Form and a Sample Submission Form, and shall submit those forms along with the sample that is delivered for testing. The Chain-of-Custody Form shall clearly identify the source of the sample, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Department, a Department-approved laboratory or a USDA-approved laboratory for CWD testing. The Chain of Custody shall bear the signature, printed name and other identifying information with respect to each person who handles the sample. The completed Chain-of-Custody Form and the Submission Form shall be provided to a responsible person at the laboratory to which the sample is delivered.

i. *Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid that is within a herd enrolled in the Herd Certification Program and is either 12 months of age or older or is transported alive from the enrolled premises shall have at least two forms of the Department or USDA/APHIS-approved, or both, animal identification attached. One form of identification must be official. If the other form of identification is not official, it shall be unique to the animal on the enrolled premises. Forms of identification that are Department-approved or USDA/APHIS-approved, or both, "official" forms of identification for purposes of this provision include the following:

i. A tattoo of a unique number approved by the Department, or USDA/APHIS, or both.

ii. A tamper resistant ear tag (with or without Radio Frequency Identification capability) bearing a unique 15-digit AIN or ISO compliant number.

iii. A Department-issued metal ear tag, bearing a unique number provided by the Department.

iv. A USDA/APHIS-issued metal ear tag, bearing a unique number provided by USDA/APHIS.

v. An electronic implant device, such as a microchip, provided that an appropriate reader is immediately available wherever the animal is located.

vi. Any other identification device approved by the Department, or USDA/APHIS, or both.

j. *Ongoing Record-Keeping Requirement.* A program participant with a herd that is enrolled in the Herd Certification Program shall maintain up-to-date records with respect to the subject herd for a period of 5 years, shall make these records available for inspection by the Department upon request, and shall mail or deliver a copy of these records to the Department no later than 1 month after each anniversary of the "date of enrollment" previously described in Section 9(b). These records shall include the following with respect to each subject cervid:

i. An official identification as previously described in Subsection (i).

ii. Either the second official identification or the unofficial identification that is unique to the animal on the enrolled premises, as previously described in Subsection (i).

iii. The sex and date of birth of the subject cervid.

iv. The date of departure and the destination of any subject cervid removed from the herd within the preceding 12 months; and the date of death and cause of death (if known) of any subject cervid that dies.

v. If the subject cervid is new to the herd since the "date of enrollment" previously described in Section 9(b), designation of whether the subject was born to the herd or acquired from outside the herd and, if the latter is true, the source of the subject cervid.

k. *Ongoing Reporting Requirement regarding Removal of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.* A program participant shall immediately report to the Department the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. A report of removal of a cervid shall clearly identify each cervid that was removed. A program participant shall immediately report to the Department if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. This reporting requirement is not applicable to additions to a herd as described in subsection (n) (titled *Additions to the Herd*). A report of a CWD-susceptible cervid gaining entrance to an enrolled herd shall clearly identify the individual cervid, to the extent identification information is known.

l. *Inspections.* The Department or its agents acting under the authority and direction of the Department may, at intervals of no greater than 12 months, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained. The Department may conduct additional inspections at reasonable times. Inspections may include records review, whole herd inventory with individual animal identification, inspecting fences and otherwise determining whether the herd is being maintained in compliance with the Herd Certification Program.

m. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program shall be maintained so as to prevent ingress and egress of cervids. Fence height shall be a minimum of 8 feet, although a 10-foot height is recommended.

n. *Additions to the Herd.* No CWD-susceptible cervid may be added to a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program unless the CWD-susceptible cervid to be added originates from that herd or a herd that is also

enrolled in the Herd Certification Program and has an equal or earlier enrollment date (month, day, year). This requirement applies regardless of whether a cervid is only added to an enrolled herd for a short period of time (Example: when a buck is moved to an enrolled herd for breeding season). If this requirement is not complied with, the herd enrollment date for the enrolled herd to which the CWD-susceptible cervid was added will be changed to that of the source of the herd addition, and herd status will be recalculated from that adjusted date.

o. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products.* Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program if the following are met:

i. The donor animal is from a herd of equal or greater herd status as the destination herd. The source herd shall not have a CWD-positive animal, a CWD-suspect animal or a CWD-exposed animal at time of collection of the cervid by-product. The source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years by the seller and buyer including (as applicable) collection date, animal identification with respect to the cervid from which the cervid by-product was collected, animal identification with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside this Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained.

p. *Intrastate Movement of Enrolled Cervids.* Farmed or captive CWD-susceptible cervids that are enrolled under the Herd Certification Program may be moved intrastate, if the cervid has one or more of the forms of official identification described in Subsection (i), and this movement is also done in compliance with any other applicable intrastate movement requirements related to diseases other than CWD.

q. *Changes of Status or Change of Program for Non-Compliance.* If a herd is enrolled in the CWD Herd Certification Program, and the program participant fails to meet the applicable requirements of this Order or the enrolled herd is not maintained in accordance with the applicable requirements of this Order, the Department may, as it determines is appropriate, change the enrollment status of the enrolled herd to a lower status, or remove the herd from the CWD Herd Certification Program and enroll it under the CWD Herd Monitored Program. This action may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements, record-keeping requirements or any other requirements imposed by this Order.

10. CWD Herd Monitored Program.

a. *Program established.* The Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program), as established by the August 4, 2006 General Quarantine Order described in Section 2, is continued as the Chronic Wasting Disease Herd Monitored Program (Herd Monitored Program), and as otherwise modified by this Order.

b. *Duty to Report Suspect Cervids and Unstable Samples.* The program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and all caretakers of that herd shall immediately report any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) to the Department. Also, upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older from a carcass in an advanced state of decomposition, the program participant, owner or caretaker shall immediately report this death to the Department. This report shall be made to the Department Regional Office or by telephone to the number set forth above in Section 5(a).

c. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids designated as CWD Suspects.* A program participant with a herd that is enrolled in the Herd Monitored Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested according to either of the following procedures if it is enrolled in the Herd Monitored Program, shows signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD, and dies or is killed:

i. A person may immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid.

B. Deliver the carcass or head for CWD testing. The carcass or head shall be delivered to either a Department laboratory for this CWD testing, or to a laboratory that has been approved, in advance, by the Department or USDA, or both, within 72 hours of the cervid's death, to perform this CWD testing.

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure may be followed:

A. Tissue samples shall be collected by one of the following:

- I. An accredited practitioner of veterinary medicine.
- II. An authorized State official.
- III. An authorized Federal official.

IV. Another person who meets the current qualifications regarding authorized sample collectors, as prescribed by the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS). A Department-certified CWD Technician does not meet the requirements of this subparagraph.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of:

the obex and the medial retropharyngeal lymph nodes preserved in formalin; and

in a separate container that does not contain formalin or any other preservative, a small portion of the ear that includes the official identification of the subject cervid.

D. The tissue samples shall be delivered to the Department for testing or to a laboratory that has been approved in advance by the Department or USDA, or both, within 72 hours of the cervid's death, to perform CWD testing.

d. *Mandatory Testing for CWD-Susceptible Cervids in Herds with a Cervid Source that is not enrolled in the Herd Certification Program.* If a farmed or captive CWD-

susceptible cervid that is 12 months of age or older is in an enrolled herd that contains one or more CWD-susceptible cervids that did not originate from that herd or a herd enrolled in the Herd Certification Program, does not exhibit signs (as described in Subsection (c)) that are consistent with CWD, and dies for any reason (including accident, natural causes, harvesting, culling or any other cause) or is sent to a slaughter facility, it shall be tested according to the testing protocol set forth in Subsection (f). If 30 such dead cervids are tested under this Subsection during a single 12-month period and are test-negative for CWD, this testing need not continue for the remainder of that 12-month period.

e. *Mandatory Testing for CWD-Susceptible Cervids in Herds Originating from Enrolled Herd Certification Program Herds.*

i. If a farmed or captive CWD-susceptible cervid that is 12 months of age or older is in an enrolled herd, and all of the CWD-susceptible cervids in the herd originate from herds that are enrolled in the Herd Certification Program, and such a CWD-susceptible cervid dies for any reason (including accident, natural causes, harvesting, culling or any other cause) or is sent to a slaughter facility, it shall be tested in accordance with the testing protocols set forth in Subsection (f). If 10% of the test-eligible CWD-susceptible cervids in the herd or 30 such cervids (whichever is less) are tested under this Subsection during a single 12-month interval and are test-negative for CWD, this testing need not continue for the remainder of that 12-month interval.

ii. If a farmed or captive CWD-susceptible cervid that is 12 months of age or older is in an enrolled herd, and all of the CWD-susceptible cervids in the herd originate from herds that are enrolled in the Herd Certification Program and have achieved "Certified Status" (as described in Section 9(b)), and such a CWD-susceptible cervid dies due to accident, natural causes or unknown reason, it shall be tested in accordance with the testing protocols set forth in Subsection (f). This test requirement is not applicable to cervids that are harvested by hunting ranch clients, or are harvested for human consumption. If 30 such cervids are tested under this Subsection during a single 12-month interval and are test-negative for CWD, this testing need not continue for the remainder of that 12-month interval.

f. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* If a farmed or captive CWD-susceptible cervid does not exhibit signs (as described in Subsection (c)) that are consistent with CWD, and is required to be tested because it is 12 months of age or older and to meet the requirements of Subsections (d) or (e), it shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

- A. An accredited practitioner of veterinary medicine.
- B. An authorized State official.
- C. An authorized Federal official.
- D. A Department-certified CWD Technician.

E. Another person who meets the current qualifications regarding authorized sample collectors, as prescribed by USDA/APHIS.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of:

the obex and the medial retropharyngeal lymph nodes preserved in formalin; and

in a separate container that does not contain formalin or any other preservative, a small portion of the ear that includes the official identification of the subject cervid.

iv. The tissue samples shall, within 30 days of collection, be delivered to the Department for testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

v. As an alternative to the testing protocol described in Subsections (f)(i), (f)(ii), (f)(iii) and (f)(iv), a person may, within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid or the entire head of the cervid to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing. The person who collects or delivers the carcass or head need not be a sampler as described in Subsection (f)(i).

g. *Chain of Custody of Samples; Submission of Samples.* A person may obtain Chain-of-Custody Forms and Sample Submission Forms from the Department by the same means previously set forth in Section 5. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for analysis under the Herd Monitored Program shall complete a Chain-of-Custody Form and a Sample Submission Form, and shall submit those forms along with the sample that is delivered for testing. The Chain-of-Custody Form shall clearly identify the source of the sample, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Department, or a Department-approved laboratory, or a USDA-approved laboratory for CWD testing. The Chain of Custody shall bear the signature, printed name and other identifying information with respect to each person who handles the sample. The completed Chain-of-Custody Form and the Submission Form shall be provided to a responsible person at the laboratory to which the sample is delivered.

h. *Identification of Subject Animals and Carcasses.* Each farmed or captive CWD-susceptible cervid that is within a herd that is enrolled in the Herd Monitored Program shall have at least one form of the Department and/or USDA/APHIS-approved official animal identification attached if it is transported from the enrolled premises or is tested for CWD. Forms of identification that are Department-approved or USDA/APHIS-approved, or both, "official" forms of identification for purposes of this provision include the following:

i. A tattoo of a unique number approved by the Department or USDA/APHIS, or both.

ii. A tamper resistant ear tag (with or without Radio Frequency Identification capability) bearing a unique 15-digit AIN or ISO compliant number.

iii. A Department-issued metal ear tag, bearing a unique number provided by the Department.

iv. A USDA/APHIS-issued metal ear tag, bearing a unique number provided by USDA/APHIS.

v. An electronic implant device, such as a microchip, provided that an appropriate reader is immediately available wherever the animal is located.

vi. Any other identification device approved by the Department or USDA/APHIS, or both.

i. *Ongoing Record-Keeping Requirement.* A program participant with a herd that is enrolled in the Herd Monitored Program shall maintain up-to-date records with respect to the subject herd for a period of 5 years, shall make these records available for inspection by the Department upon request, and shall mail or deliver a copy of these records to the Department no later than one month after each anniversary of the "date of enrollment" in the Herd Monitored Program. These records shall include the following:

i. Herd size (estimate if exact size is not known).

ii. For each CWD-susceptible cervid with identification that is enrolled in the Herd Monitored Program:

A. The unique number or identification information from the tattoo, tag, electronic implant device or other identification device described in Subsection (h).

B. The sex of the animal.

C. The date of birth of the animal.

D. Clarification as to whether the animal was born into the herd or was acquired from outside the herd.

E. If the animal was acquired from outside the herd, the name, address and telephone number of the source location from which the animal was acquired.

iii. The date of departure and the destination (including name, address and telephone number) of any subject cervid removed from the herd within the preceding 12 months; and the date of death and cause of death (if known) of any subject cervid that dies.

j. *Ongoing Reporting Requirement regarding Removal of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.* A program participant shall immediately report to the Department the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. A program participant shall immediately report to the Department if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. A report of removal of a cervid shall clearly identify the individual cervid. This reporting requirement is not applicable to additions to a herd as described in Subsection (i)(ii)(E). A report of a CWD-susceptible cervid gaining entrance to an enrolled herd shall clearly identify the individual cervid, to the extent identification information is known.

k. *Inspections.* The Department or agents acting under authority and direction of the Department may, at its discretion and at reasonable times, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained. Inspections may include records review, checking individual animal identification, inspecting fences and otherwise determining whether the herd is being maintained in compliance with the Herd Monitored Program. A program participant shall cooperate with the Department, and shall facilitate the inspection by making premises, animals and records available to the Department without delay.

l. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitored Program shall be maintained so as to prevent ingress and egress of cervids. Fence height is to be a minimum of 8 feet, although a 10-foot minimum height is recommended.

m. *Limitations on Intrastate Movement of Enrolled Cervids.* Live farmed or captive CWD-susceptible cervids that are from a herd that is enrolled under the Herd Monitored Program may not be transported intrastate unless the destination is a hunting ranch or a slaughter facility and each cervid has the Department or USDA/APHIS-approved, or both, official animal identification (as described in Subsection (h)) attached and recorded before leaving the source premises. Those animals transported to a slaughter facility shall be sampled and tested for CWD in accordance with Subsection (d) or (e), as applicable. Those animals transported to a hunting ranch shall be sampled and tested for CWD in accordance with Subsections (d) or (e), as applicable.

n. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products.* Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitored Program if the following are met:

i. The donor animal is from a herd enrolled in the CWD Herd Certification Program or its out-of-State equivalent. The source herd shall not have a CWD-positive animal, suspect animal, or exposed animal at time of collection. The premises of the source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years by the seller and buyer including (as applicable) collection date, animal identification with respect to the cervid from which the cervid by-product was collected, animal identification with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside the

Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained.

o. *Changes of Status for Noncompliance.* If a herd is enrolled in the CWD Herd Monitored Program, and the program participant fails to meet the applicable requirements of this Order or the enrolled herd is not maintained in accordance with the applicable requirements of this Order, the Department may, as it determines is appropriate, change the enrollment status of the enrolled herd to a lower status. This action may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements, record-keeping requirements or any other requirements imposed by this Order.

11. *Participation in the Herd Certification Program or Herd Monitored Program.* Any contrary provision of this Order notwithstanding, persons may voluntarily enroll farmed or captive cervids that are not CWD-susceptible cervids (example: reindeer) in either the Herd Certification Program or the Herd Monitored Program.

12. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

13. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on imported cervids.

14. *Effective Date.* This Order is immediately effective upon publication in the *Pennsylvania Bulletin*, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 11-208. Filed for public inspection February 4, 2011, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 18, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-9-2011	Susquehanna Bank Lititz Lancaster County	2343 Oregon Pike Lancaster Lancaster County	Opened

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-12-2011	Standard Bank, PaSB Murrysville Westmoreland County	Eastgate Shopping Center US Route 30 Greensburg Westmoreland County	Approved
1-14-2011	ACNB Bank Gettysburg Adams County	245A North Main Street Spring Grove York County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-12-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 1671 Butler Plank Road Glenshaw Allegheny County <i>From:</i> 1700 William Flynn Parkway Glenshaw Allegheny County	Approved

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-14-2011	ACNB Bank Gettysburg Adams County	<i>Into:</i> 39 Carlisle Road Newville Cumberland County <i>From:</i> 1 West Big Spring Avenue Newville Cumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-7-2011	Susquehanna Bank Lititz Lancaster County	10211 Wincopin Circle Columbia Howard County, MD	Closed
1-7-2011	Susquehanna Bank Lititz Lancaster County	275 Clifton Boulevard Westminster Carroll County, MD	Closed
1-12-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cinnaminson Acme 1103 Route 130 South Cinnaminson Burlington County, NJ	Filed
1-12-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Moorestown Acme 350 Young Avenue Moorestown Burlington County, NJ	Filed
1-12-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Limerick Acme 31 West Ridge Pike Limerick Montgomery County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-18-2011	Greater Delaware Valley Savings Bank Broomall Delaware County Amendment to Article IX of the institution's Articles of Incorporation provides for a liquidation account for certain depositors of the institution pursuant to the terms and conditions of the Plan of Conversion and Reorganization adopted by the institution in August 2010.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

PAUL WENTZEL,
Acting Secretary

[Pa.B. Doc. No. 11-209. Filed for public inspection February 4, 2011, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Andrea R. Fox for Reinstatement of Teaching Certificates; Doc. No. RE 10-02

Notice of Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1a—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Andrea R. Fox for reinstatement of her teaching certificates.

On or about October 12, 2010, Andrea R. Fox filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatements). Under section 16 of the act, the Department of Education on January 12, 2011, opposed the application for reinstatement.

In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a

proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties who wish to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
*Executive Director,
Professional Standards and
Practices Commission*

[Pa.B. Doc. No. 11-210. Filed for public inspection February 4, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS112206 (Industrial Storm Water)	Prime Conduit, Inc. 635 E Lawn Road Nazareth, PA 18064	Northampton County Upper Nazareth Township	Unnamed Tributary to Bushkill Creek (01F)	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0045004 (Sew)	Lake Meade Municipal Authority 59 Curtis Drive East Berlin, PA 17316	Adams County / Reading Township	Mud Run / WWF / 7F	Y
PA0083704 (Sew)	Shippensburg Borough Authority (Gunter Valley Water Treatment Plant) 111 North Fayette Street, PO Box 129 Shippensburg, PA	Franklin County / Lurgan Township	Trout Run / 7B	Y
PA0070050 (IW)	Reading Alloys, Inc. PO Box 63 Old William Penn Highway Robeson, PA 19551-0053	Berks County South Heidelberg Township Heidelberg Township	UNT to Spring Creek / 3-C	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0104132 (Sewage)	Rock Lake North Association Inc. 113 Rock Lake Drive Zelienople, PA 16063	Butler County Jackson Township	Unnamed Tributary to Glade Run 20-C	Y
PA0027341 (Industrial Waste)	Pittsburgh Glass Works, LLC 5123 Victory Boulevard Meadville, PA 16335	Crawford County Greenwood Township	Unnamed Tributary to the Conneaut Outlet 16-D	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

PA0244546, Industrial Waste, SIC Code 7948, **Chester Downs & Marina LLC d/b/a Harrah's Casino & Racetrack**, 777 Harrah's Boulevard, Chester, PA 19013. Facility Name: Harrah's Chester Casino & Racetrack. This facility is located in Chester City, **Delaware County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of stormwater.

The receiving stream(s), Delaware River, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- A. Remedial Measures if Unsatisfactory Effluent
- B. Change of Ownership
- C. Laboratory Certification
- D. Stormwater Outfall Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0057380, Sewage, SIC Code 6514, **Heidi Whitney**, 3315 Chatham Place, Media, PA 19063-4313. Facility Name: Whitney SRSTP. This existing facility is located in Upper Providence Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Ridley Creek, is located in State Water Plan watershed 3G and is classified for high quality trout stocking fishery, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0

In addition, the permit contains the following major special conditions:

- A. AMR to DEP
- B. Abandon STP when Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Dry Stream Discharge

- G. Change in Ownership
- H. Proper Sludge Disposal
- I. Laboratory Certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0050733, Sewage, **Lincoln University**, Physical Plant, MSC 197, P. O. Box 179, 1570 Baltimore Pike, Lincoln University, PA 19352.

This existing facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for an existing discharge of treated sewage from the Lincoln University sewage treatment plant.

The receiving stream, McDonald Run, is in the State Water Plan watershed 7K and is classified for: HQ-TSF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(05-01 to 10-31)	30		20		40
(11-01 to 04-30)	37.5		25		50
Total Suspended Solids	45		30		60
Ammonia as N					
(05-01 to 10-31)	2.0		1.3		2.6
(11-01 to 04-30)	6.0		3.9		7.8
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (min)		
pH (Std Units)			6.0 (min)		9.0

In addition to the effluent limits, the permit contains the following major special conditions:

- A. Notification of Designation of Operator
- B. Abandon STP When Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Change in Ownership
- G. Sludge Disposal Requirement
- H. Certified Operator
- I. I-max Requirements
- J. 2/Month Monitoring Requirements
- K. Laboratory Certification
- L. I-max for Fecal Coliform

PA0058548, SIC Code 4952, **Keelersville Club**, 2522 Ridge Road, Perkasie, PA 18944-3731. Facility Name: Keelersville Club STP. This existing facility is located in East Rockhill Township, **Bucks County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated wastewater.

The receiving stream(s), Unnamed Tributary to Threemile Run, is located in State Water Plan watershed 2-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report			
pH (S.U.)		6.0		9.0
Dissolved Oxygen		6.0		
CBOD ₅			10	20
Total Suspended Solids			10	20

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Fecal Coliform (CFU/100 ml)			50 Geo Mean	1,000
Nitrate-Nitrite as N			10	20
Ammonia-Nitrogen May 1 - Oct 31			1.5	3.0
Ammonia-Nitrogen Nov 1 - Apr 30			3.0	6.0
Total Phosphorus	0.008		0.9	1.8

In addition, the permit contains the following major special conditions:

1. Notification of designated operator
2. Abandon STP
3. Remedial Measures
4. No stormwater
5. Necessary Property Rights
6. Small Stream Discharge
7. Proper Sludge Disposal
8. Twice a month sampling
9. Change of ownership
10. IMAX limits on DMR
11. Operator training
12. Fecal Coliform Reporting
13. Operators and Maintenance Plan

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0050377, Industrial Waste, **SIC 2833, Lonza, Inc.**, 900 River Road, Conshohocken, PA 19428.

This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated process wastewater (Outfall 001) and stormwater (Outfall 002) from a manufacturer of fine organic chemicals which are used as active ingredients in the production of pharmaceutical products elsewhere. Transfer of the facility to new owner, Johnson Matthey, will be reflected in the final permit

The receiving stream, Schuylkill River via Matsunk Creek, is in the State Water Plan watershed 3F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 8.7 miles below the point of discharge.

Review and approval of chemical additives was based on the following provisional human health criteria, using the most recent scientific data available, and are proposed as site specific criteria:

Sodium hypochlorite = 0.69 mg/l
 Bromine chloride = 0.01 mg/l
 Polypropylene glycol = 8.3 mg/l
 Cyclohexylamine = 1.4 mg/l
 Acrylamide = 00007 mg/l
 Acrylic acid = 3.5 mg/l

Comments on the proposed human health criteria can be provided to the Department in writing within 45 days of public notice.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
BOD ₅	467	934	700	1,400	1,750
Total Suspended Solids	20	30	30	45	75
Chemical Oxygen Demand	571	1,118	856	1,675	2,140
Total Dissolved Solids	11,676	23,352	17,500	35,000	43,750

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Ammonia as N (03/01-10/31)	13		20		50
Ammonia as N (11/01-02/29)	20		29.4		73.5
Temperature					110°F
pH (Standard Units)			6.0, I-min.		9.0
Influent BOD ₅	Monitor	Monitor	Monitor	Monitor	
Percent Removal BOD ₅			90 Percent		

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Influent COD	Monitor	Monitor	Monitor	Monitor	
Percent Removal COD			74 Percent		
Color (PT/Cobalt Scale)			100		
Cyanide, Total	1.2	2.5	1.9	3.8	4.8
Acetone			0.2	0.5	
Acetonitrile			10.2	25	
N-Amyl Acetate			0.5	1.3	
Amyl Alcohol			4.1	10	
Benzene			0.02	0.05	
N-Butyl-Acetate			0.5	1.3	
Chlorobenzene			0.06	0.15	
Chloroform			0.01	0.02	
O-Dichlorobenzene			0.06	0.15	
1,2-Dichloroethane			0.1	0.4	
Diethylamine			102	250	
Dimethyl Sulfoxide			37.5	91.5	
Ethanol			4.1	10	
Ethyl Acetate			0.5	1.3	
N-Heptane			0.02	0.05	
N-Hexane			0.02	0.03	
Isobutyraldehyde			0.5	1.2	
Isopropanol			1.6	3.9	
Isopropyl Acetate			0.5	1.3	
Isopropyl Ether			2.6	8.4	
Methanol			4.1	10	
Methyl Cellosolve			40.6	100	
Methylene Chloride			0.3	0.9	
Methyl Formate			0.5	1.3	
4-Methyl-2-Pentanone			0.2	0.5	
Phenol			0.02	0.05	
Tetrahydrofuran			2.6	8.4	
Toluene			0.02	0.06	
Triethylamine			102	250	
Xylenes			0.01	0.03	
N-Nitrosodi-Methylamine			0.008	0.016	
Lithium, Total			Monitor	Monitor	
Total Residual Chlorine			0.5		1.25

The proposed effluent limits for Outfall 002 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			Monitor	Monitor	
Chemical Oxygen Demand			Monitor	Monitor	
Oil and Grease			Monitor	Monitor	
pH (Standard Units)			Monitor	Monitor	
Total Suspended Solids			Monitor	Monitor	
Total Kjeldahl Nitrogen			Monitor	Monitor	
Total Phosphorus			Monitor	Monitor	
Iron, Dissolved			Monitor	Monitor	
Cyanide, Total			Monitor	Monitor	
Acetone			Monitor	Monitor	

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Acetonitrile			Monitor	Monitor	
N-Amyl-Acetate			Monitor	Monitor	
Amyl Alcohol			Monitor	Monitor	
Benzene			Monitor	Monitor	
N-Butyl Acetate			Monitor	Monitor	
Chlorobenzene			Monitor	Monitor	
Chloroform			Monitor	Monitor	
O-Dichlorobenzene			Monitor	Monitor	
1,2-Dichloroethane			Monitor	Monitor	
Diethylamine			Monitor	Monitor	
Dimethyl Sulfoxide			Monitor	Monitor	
Ethanol			Monitor	Monitor	
Ethyl Acetate			Monitor	Monitor	
N-Heptane			Monitor	Monitor	
N-Hexane			Monitor	Monitor	
Isobutyraldehyde			Monitor	Monitor	
Isopropanol			Monitor	Monitor	
Isopropyl Acetate			Monitor	Monitor	
Isopropyl Ether			Monitor	Monitor	
Methanol			Monitor	Monitor	
Methyl Cellosolve			Monitor	Monitor	
Methylene Chloride			Monitor	Monitor	
Methyl Formate			Monitor	Monitor	
4-Methyl-2-Pentanone			Monitor	Monitor	
Phenol			Monitor	Monitor	
Tetrahydrofuran			Monitor	Monitor	
Toluene			Monitor	Monitor	
Triethylamine			Monitor	Monitor	
Xylenes			Monitor	Monitor	
N-Nitrosodi-Methylamine			Monitor	Monitor	
Total Dissolved Solids			Monitor	Monitor	
Ammonia as N			Monitor	Monitor	
Aluminum			Monitor	Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures if Public Nuisance
2. Total Suspended Solids Effluent Limits
3. Chemical Oxygen Demand 74 Percent Reduction Requirement
4. BOD₅ 90 Percent Reduction Requirement
5. Influent Sampling and Reporting Requirement
6. Thermal Requirement
7. Specification of Test Methods
8. Change in Ownership
9. Proper Sludge Disposal
10. Laboratory Certification
11. PPC Plan
12. Chemical Additives
13. Stormwater requirements

The EPA waiver is in effect.

PA0026816, Sewage, SIC 4952, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462.

This facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the East Norriton-Plymouth STP through Outfall 001. Stormwater runoff discharges through Outfall 002.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for: warm water fishes, aquatic life, migratory fishes, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on Schuylkill River and is approximately 10.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.1 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5/1-10/31)	20	30		40
CBOD ₅ (11/1-4-30)	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N (11/1-4/30)	20.0			40.0
NH ₃ -N (5/1-10/31): (Issuance thru Yr 1)	20.0			40.0
(Yr 2 thru Expiration)	10.0			20.0
Fecal Coliform (col/100ml)	200			1000*
Dissolved Oxygen	5.0, min.			
pH (Std. units)	6.0			9.0
Total Dissolved Solids	1,000			2,500
Total Phosphorus	Monitor			Monitor
Copper	Monitor		Monitor	
Lead	Monitor		Monitor	
Zinc	Monitor		Monitor	

*Not to exceed 1,000 col/100ml as an instantaneous maximum from May through September. Not to exceed 1,000 col/100ml in greater than 10 percent of samples tested from October through April.

The proposed effluent limits for Outfall 002 are based on an average storm event.

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor		Monitor	
COD	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
Fecal Coliform (col/100ml)	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Dissolved Iron	Monitor		Monitor	
pH (Std. units)	Monitor		Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of responsible operator
 2. Definition of "average weekly"
 3. Remedial measures if public nuisance
 4. No stormwater to sanitary sewers
 5. Necessary property rights
 6. Change in ownership
 7. Chlorine minimization
 8. Proper sludge disposal
 9. TMDL/WLA analysis
 10. Operator training plan
 11. WETT with renewal
 12. Instantaneous maximum limitations
 13. Operations and maintenance plan
 14. Laboratory certification
 15. Fecal coliform reporting
 16. PCB TMDL
 17. Stormwater requirements
 18. Pretreatment program
- EPA waiver is not in effect.

PA0056642, Industrial Waste, SIC Code 5171, **Meenan Oil Co. LP**, 8301 Lansdowne Avenue, Upper Darby, PA 19082-5408. Facility Name: Meenan Oil Company. This existing facility is located in Upper Darby Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Naylor's Run, is located in State Water Plan watershed 3G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on average flow of stormwater runoff.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	15	XXX	30

In addition, the permit contains the following major special conditions:

- A. Remedial Measures if Unsatisfactory Effluent
- B. Change in Ownership
- C. Proper Sludge Disposal
- D. Product Contaminated Stormwater Runoff
- E. PPC Plan
- F. Other Wastewater
- G. Definitions
- H. Laboratory Certification
- I. EDMR Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

PA0044997, Sewage, SIC Code 4952, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mount Pocono, PA 18344. Facility Name: Mt Pocono Municipal Authority WWTP. This existing facility is located in Mount Pocono Borough, **Monroe County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Forest Hills Run, is located in State Water Plan watershed 1-E and is classified for High Quality Waters - Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.40 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.19	XXX	0.44
Temperature (°F)						
Jan 1-31	XXX	XXX	XXX	XXX	41.6	XXX
Temperature (°F)						
Feb 1-29	XXX	XXX	XXX	XXX	42.2	XXX
Temperature (°F)						
Mar 1-31	XXX	XXX	XXX	XXX	46.7	XXX
Temperature (°F)						
Apr 1-15	XXX	XXX	XXX	XXX	63	XXX
Temperature (°F)						
Apr 16-30	XXX	XXX	XXX	XXX	63	XXX
Temperature (°F)						
May 1-15	XXX	XXX	XXX	XXX	64	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Temperature (°F)						
May 16-31	XXX	XXX	XXX	XXX	69	XXX
Temperature (°F)						
Jun 1-15	XXX	XXX	XXX	XXX	72.3	XXX
Temperature (°F)						
Jun 16-30	XXX	XXX	XXX	XXX	75	XXX
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	XXX	77.3	XXX
Temperature (°F)						
Aug 1-15	XXX	XXX	XXX	XXX	75.0	XXX
Temperature (°F)						
Aug 16-31	XXX	XXX	XXX	XXX	75.0	XXX
Temperature (°F)						
Sep 1-15	XXX	XXX	XXX	XXX	70.7	XXX
Temperature (°F)						
Sep 16-30	XXX	XXX	XXX	XXX	63.2	XXX
Temperature (°F)						
Oct 1-15	XXX	XXX	XXX	XXX	55.8	XXX
Temperature (°F)						
Oct 16-31	XXX	XXX	XXX	XXX	51.2	XXX
Temperature (°F)						
Nov 1-15	XXX	XXX	XXX	XXX	49.0	XXX
Temperature (°F)						
Nov 16-30	XXX	XXX	XXX	XXX	47.2	XXX
Temperature (°F)						
Dec 1-31	XXX	XXX	XXX	XXX	43.3	XXX
CBOD ₅	33	50	XXX	10	15	20
Total Suspended Solids	100	150	XXX	30	Wkly Avg 45	60
Fecal Coliform (CFU/100 ml)					Wkly Avg	
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Nitrate-Nitrite as N	46	XXX	XXX	13.8	XXX	27.6
Ammonia-Nitrogen						
May 1 - Oct 31	9.0	XXX	XXX	2.7	XXX	5.4
Ammonia-Nitrogen						
Nov 1 - Apr 30	27	XXX	XXX	8.1	XXX	16.2
Total Phosphorus	3.3	XXX	XXX	1.0	XXX	2.0
Total Copper	Report	XXX	XXX	Report	XXX	XXX
Total Lead	Report	XXX	XXX	Report	XXX	XXX
Total Zinc	Report	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

1. Maximum Temperature Change
2. Compliance Schedule

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

PA0033863, Sewage, SIC Code 7033, **Camp-A-While, Inc.**, 1921 East Main Street, Hegins, PA 17938-9143. Facility Name: Camp A While. This existing facility is located in Hegins Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Pine Creek, is located in State Water Plan watershed 6-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.019 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD ₅	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	8.96	XXX	17.92

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

PA0042951, Sewage, SIC Code 4952, **Schuylkill County Municipal Authority**, P. O. Box 960, 221 S. Centre St., Pottsville, PA 17901. Facility Name: Schuylkill County Municipal Authority Tremont WWTP. This existing facility is located in Tremont Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.17
CBOD ₅	104	167	XXX	25	40	50
Total Suspended Solids	125	188	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	6.0	XXX	12.0
Ammonia-Nitrogen						
Nov 1 - April 30	75	XXX	XXX	18.0	XXX	XXX
Total Phosphorus	8.3	12.5	XXX	2.0	3.0	4.0
Total Aluminum*	XXX	XXX	XXX	0.95	1.49	XXX
Total Iron*	XXX	XXX	XXX	Report	Daily Max XXX	Report

*When iron or aluminum-based chemicals are used for phosphorus reduction.

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	9,132			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1,281			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

** The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

*** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

In addition, the permit contains the following major permit conditions:

- Chesapeake Bay Schedule
- Chesapeake Bay Nutrient Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0028347, Sewage, SIC Code 4952, **Martinsburg Borough Municipal Authority**, 133 E Allegheny Street, Martinsburg, PA 16662-1101. Facility Name: Martinsburg STP. This existing facility is located in Martinsburg Borough, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Plum Creek, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.7 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	146	233	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	175	263	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	15	XXX	XXX	2.5	XXX	5.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen						
Nov 1 - Apr 30	44	XXX	XXX	7.5	XXX	15
Total Phosphorus	11.5	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	12,785	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	1,705	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0020214, Sewage, SIC Code 4952, **Mount Union Borough Municipal Authority**, 400 North Drake Street, Mount Union, PA 17066. Facility Name: Mt Union STP. This existing facility is located in Mount Union Borough, **Huntingdon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Juniata River, is located in State Water Plan watershed 12-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.95 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	198	317	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	238	357	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	XXX
				Geo Mean		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	17,351	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	2,314	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0023183, Sewage, SIC Code 4952, **Mount Holly Springs Borough Authority**, 200 Harman Street, Mount Holly Springs, PA 17065-1339. Facility Name: Mt Holly Springs STP. This existing facility is located in Mount Holly Springs Borough, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Mountain Creek, is located in State Water Plan watershed 7-E and is classified for Trout Stocking, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.60 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	138	208	XXX	20	30	40
CBOD ₅						
Nov 1 - Apr 30	173	277	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	208	311	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	17	XXX	XXX	2.5	XXX	5.0
Ammonia-Nitrogen						
Nov 1 - Apr 30	52	XXX	XXX	7.5	XXX	15
Total Phosphorus	14	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	10,959			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1,461			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2012. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

PA0233927, SIC Code 4952, **Lewis Township Supervisors**, 1428 Rovendale Drive, Watsontown, PA 17777.

Facility Name: Lewis Township SFTF. This proposed facility will be located in Lewis Township, **Northumberland County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a proposed small flow treatment facility which will serve 8 residences.

The receiving stream(s), Unnamed Tributary to Warrior Run, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
UV Dosage (mjoule/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

In addition, the permit contains the following major special conditions:

1. SFTF Tank Cleaning
2. UV System Maintenance

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

PA0114961, Sewage, SIC Code 4952, **Hughesville-Wolf Township Joint Municipal Authority**, 547 Woolen Mill Road, Hughesville, PA 17737-9091. Facility Name: Hughesville-Wolf Township Joint Municipal Authority Wastewater Treatment Plant. This existing facility is located in Wolf Township, **Lycoming County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Muncy Creek, is located in State Water Plan watershed 10-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.675 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	140	225	XXX	25	40	50
Total Suspended Solids	165	250	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	50	70	XXX	9.0	13	18

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	12,329			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1,644			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0102784, Industrial Waste. **Waste Treatment Corporation**, P. O. Box 1550, Warren, PA 16365.

This existing facility is located in the City of Warren, **Warren County**.

Description of Proposed Activity: permit renewal for an existing discharge of treated industrial waste.

The receiving water is the Allegheny River. The receiving stream is in State Water Plan 16-B and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a maximum flow of 0.213 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)		0.213			
Oil and Grease			15		30
Total Suspended Solids			30		60
BOD ₅			53	163	163
Iron (total)			3	6	7.5
Manganese			2	4	5
Copper			0.757	0.865	1.893
Zinc			0.420	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.141
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.455
2,4,6 -Trichlorophenol			0.106	0.155	0.265
Cadmium			0.049	0.098	0.123
Acrylamide			0.022	0.044	0.0055
Aluminum			4.0		8.0
TDS	176,508	315,624	XX	XX	
Acidity				Less than Alkalinity	
Alkalinity			XX	XX	
Barium			XX	XX	
Osmotic Pressure (mOs/Kg)			XX	XX	
Strontium			XX	XX	
Ammonia - N			XX	XX	
Silver			XX	XX	
Lead			XX	XX	
Benzene			XX	XX	
Selenium			XX	XX	
Sulfate			XX	XX	
Chloride			XX	XX	
Bromide			XX	XX	
Radium 226/228 (pCi/L)			XX	XX	
Gross Alpha (pCi/L)			XX	XX	
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is not in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0002666—Amendment No. 1, Industrial Waste. NAICS Code 324 & 325, **Sonneborn, Inc.**, 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2330. Facility Name: Sonneborn. This existing facility is located in Fairview Township, **Butler County**.

Description of Proposed Activity: Amendment of an NPDES Permit for an existing discharge of treated industrial waste, treated stormwater, and untreated stormwater from a producer of surface active agents. The Cadmium limit at Outfall 010 along with the TRE special condition is being removed. This is a major discharge.

The receiving water is South Branch Bear Creek. The receiving stream is in State Water Plan 17-C and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. This discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (lb/day)</i>	<i>Daily (lb/day)</i>	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 007 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (lb/day)</i>	<i>Daily (lb/day)</i>	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
Barium			XX		
pH			XX		

The proposed effluent limits for Outfall 010 based on a design flow of 0.42 MGD. Interim Limits

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (lb/day)</i>	<i>Daily (lb/day)</i>	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
CBOD ₅					
(05/01 - 10/31)	46	91	13	26	32
(11/01 - 04/30)	91	182	26	52	65
TSS	175	350	50	150	150
Ammonia Nitrogen					
(05/01 - 10/31)	4.6	9.1	1.3	2.6	3.25
(11/01 - 04/30)	13.7	27.3	3.9	7.8	9.75
Fecal Coliform					
(05/01 - 09/30)			200/100ml as a geometric mean		
(10/01 - 04/30)			2000/100ml as a geometric mean		
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	52	105	15	30	50
Aluminum	2.3	4.6	XX	XX	
Iron, Total	5.2	10.3	XX	XX	
Manganese	4.0	8.0	1.0	2.0	2.5
Barium	11.7	23.4	3.4	6.7	8.3
pH			Within limits of 6.0 to 9.0 standard units at all times		
Temperature			Average Daily		
January 1 - 31			58°F		
February 1 - 29			61°F		
March 1 - 31			69°F		
April 1 - 15			87°F		
April 16 - 30			110°F		
May 1 - 15			103°F		
May 16 - 31			110°F		
June 1 - 15			109°F		
June 16 - 30			103°F		
July 1 - 31			98°F		
August 1 - 31			95°F		
September 1 - 15			93°F		
September 16 - 30			87°F		
October 1 - 15			89°F		
October 16 - 31			79°F		
November 1 - 15			80°F		
November 16 - 30			71°F		
December 1 - 31			61°F		

The proposed effluent limits for Outfall 010 based on a design flow of 0.42 MGD. Final Limits

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
CBOD ₅					
(05/01 - 10/31)	46	91	13	26	32
(11/01 - 04/30)	91	182	26	52	65
TSS	175	350	50	150	150
Ammonia Nitrogen					
(05/01 - 10/31)	4.6	9.1	1.3	2.6	3.25
(11/01 - 04/30)	13.7	27.3	3.9	7.8	9.75
Fecal Coliform					
(05/01 - 09/30)			200/100ml as a geometric mean		
(10/01 - 04/30)			2000/100ml as a geometric mean		
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	52	105	15	30	50
Aluminum	2.3	4.6	XX	XX	
Iron, Total	5.2	10.3	XX	XX	
Manganese	4.0	8.0	1.0	2.0	2.5
Barium	11.7	23.4	3.4	6.7	8.3
pH		Within limits of 6.0 to 9.0 standard units at all times			
Temperature			Average Daily		
January 1 - 31			56°F		
February 1 - 29			49°F		
March 1 - 31			66°F		
April 1 - 15			81°F		
April 16 - 30			110°F		
May 1 - 15			97°F		
May 16 - 31			110°F		
June 1 - 15			105°F		
June 16 - 30			100°F		
July 1 - 31			96°F		
August 1 - 31			93°F		
September 1 - 15			91°F		
September 16 - 30			85°F		
October 1 - 15			87°F		
October 16 - 31			77°F		
November 1 - 15			76°F		
November 16 - 30			68°F		
December 1 - 31			59°F		

The proposed effluent limits for Outfall 021 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 022 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 023 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 024 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 025 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

XX—Monitor and report.

In addition, the permit contains the following major special conditions:

- Stormwater Sampling Requirements
- Chemical Additives
- Schedule of Compliance for Temperature

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

WQM Permit No. 5810401, Sewerage, **Montrose Municipal Authority**, PO Box 306, Montrose, PA 18801

This proposed facility is located in Bridgewater Twp., **Susquehanna County**, PA.

Description of Proposed Action/Activity: This project involves upgrades to the Montrose Municipal Authority's sewage treatment plant in order to comply with Total Nitrogen and Total Phosphorus limits as required by the Chesapeake Bay Tributary Strategy. The project includes modifications to the existing head works, replacing the existing rotating biological contactors with a vertical loop reactor process, sludge processing improvements and installation of an ultraviolet disinfection system.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. 4908403, Sewerage [SIC 4952], **Lewis Township Supervisors**, 1428 Rovendale Drive, Watsonstown, PA 17777.

This proposed facility will be located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: The application proposes a small flow treatment facility to serve 8 residences and replace failed on-lot systems.

WQM Permit No. 1407202-A1, Industrial Waste [SIC 4952], **Madisonburg Waterworks**, 260 Madisonburg Pike, Madisonburg, PA 16852.

This proposed facility is located in Miles Township, **Centre County**.

Description of Proposed Action/Activity: The client wishes to amend their current WQM permit to approve the use of an existing infiltration basin to dispose of maintenance wash and chemical clean-in-place industrial wastewaters.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 3303401, Sewerage, Amendment No. 1, **McCalmont Township**, P. O. Box 255, 127 Firehouse Lane, Anita, PA 15711

This existing facility is located in McCalmont Township, **Jefferson County**.

Description of Proposed Action/Activity: The proposed modifications to the existing treatment facility includes piping modifications to the aeration tanks and final clarifiers, replacement of the return activated sludge pumps, installation of a chemical feed system, installation of covers for the clarifiers to prevent freezing, installation of a sump pump in the ultraviolet disinfection/post aeration tank to allow cleaning for the tank, installation of additional outside lighting for safety and security, and the addition of refrigerated composite samplers for NPDES compliance sampling.

WQM Permit No. 4303416, Sewerage, Amendment No. 2, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148

This existing facility is located in City of Hermitage, **Mercer County**.

Description of proposed Action/Activity: Amendment permit application provides for the installation of a bio-gas electrical generator which will utilize the bio-gas from the anaerobic digestion system to produce electricity, the installation of an emergency generator, the elimination of the food waste shredder to replace it with a bottle/container processing unit and modifying the sludge staging pavilion, the change in the effluent flow metering system and a decrease in the maximum flow rate for the SBR system to the UV disinfection system.

WQM Permit No. 2009404, Sewerage, Amendment No. 1, **Meadville Area Sewer Authority**, 1320 Park Avenue, Meadville, PA 16335

This existing facility is located in City of Meadville, **Crawford County**.

Description of Proposed Action/Activity: Due to the relative age of the force main and its maintenance record, the Authority proposes to effectively replace the existing 10-inch force main by installing a new 14-inch C-905 PVC force main rated for 150 psi working pressure.

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. 0911401, Sewerage, **Pennsylvania Historical and Museum Commission**, Commonwealth Keystone Building, 400 North Street, Room N118, Harrisburg, PA 17120-0093.

This proposed facility is located in Solebury Township, **Bucks County**.

Description of Action/Activity: Replacement of five pump stations located throughout site and modifications to sewer treatment plant to allow adequate for flows of 8,200 gpd vs 25,000 gpd.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 091009	Air Products and Chemical, Inc. 7201 Hamilton Boulevard Allentown, PA 18195-1501	Bucks	Falls Township	Delaware River South (MF-WWF)
PAI01 511007	New Courtland Elder Services 6970 Germantown Avenue Philadelphia, PA 19119	Philadelphia	City of Philadelphia	Delaware River (WWF-MF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Wayne Conservation District: 648 Park St., Honesdale, PA 18431

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024010004(3)	PPL Electric Utilities Corp. Two North Ninth Street Allentown, PA 18101	Wayne	South Canaan Twp. Lake Twp. Paupack Twp. Palmyra Twp.	Lackawaxen River (HQ-CWF, MF) Middle Creek (HQ-CWF, MF) Wallenpaupack Creek (HQ-WWF, MF)

Lehigh Conservation District: 4184 Dorney Park Rd., Allentown, PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023911001	Anthony & Matthew Sorrentino, Castle Holdings Inc 6616 B Ruppsville Rd. Allentown, PA 18106	Lehigh	Upper Macungie Twp.	Breinig Run (HQ-CWF, MF)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI035010003	Roger A. & Susan T. Smith 6525 Creek Road Newport, PA 17074	Perry	Juniata Township	UNT to Buffalo Creek/ HQ-CWF
PAI030610011	Michael Keiser Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Berks	Hereford Township	Perkiomen Creek/ CWF
PAI033810001	Nevin Zimmerman LND Associates 119 Mountain Trail Road Newmanstown, PA 17073	Lebanon	Heidelberg Township	Furnace Run/ HQ-CWF
PAI032805006R	Richard D. Leatham S & A Custom Built Homes, Inc. 2011 West Trindle Road, Carlisle, PA 17013	Franklin	Guilford Township	Falling Spring Branch/ HQ-CWF

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701**Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041411001	Halfmoon Land Co., LLC 1210 N. Atherton St., Ste 207 State College, PA 16803	Centre	Halfmoon Township	Halfmoon Creek HQ-CWF
PAI041411002	Halfmoon Land Co., LLC 1210 N. Atherton St., Ste 207 State College, PA 16803	Centre	Patton Township	Buffalo Run HQ-CWF Spring Creek HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Greenfield Farms 6420 Route 35 East Waterford, PA 17021	Juniata	1339.2	468.33	Poultry	Woodward Run, HQ-CWF / Dougherty Run, HQ-CWF	Renewal
Mason Dixon Farms 1800 Mason Dixon Road Gettysburg, PA 17325-7127	Adams	459.7	4524.4	dairy	n/a	Renewal
Star Rock Services Inc Abe Barley 175 Chestnut Grove Rd Conestoga, PA 17516	Lancaster	1200	2208.88	Dairy	NA	Renewal
Paul Dotterer & Sons Inc 6795 Nittany Valley Dr Mill Hall, PA 17751	Clinton	3101	2155	Dairy	Fishing Creek - HQ	Renewal
Justa Mere Farm 3746 Manantongo Creek Road Dalmatia, PA 17017-7235	Northumberland	413.21	132.89	Ducks	None	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 0610509, Public Water Supply.

Applicant	Cornell Companies dba Abraxas Academy
Municipality	New Morgan Borough
County	Berks
Responsible Official	Michael D. Sweeney, Business Manager 1000 Academy Drive PO Box 645 Morgantown, PA 19543-0645
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received:	6/14/2010

Description of Action	Project consist of addition of an blended orthopolyphosphate for general corrosion control. Also included are improvements to insure the system provides 4-log treatment of viruses.
<i>Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>	
Application No. 1411501—Construction Public Water Supply.	
Applicant	Penn's Cave, Inc.
[Township or Borough]	Gregg Township
County	Centre
Responsible Official	Penn's Cave, Inc. Russell Schleiden, Owner/Manager 222 Penns Cave Inc Centre Hall, PA 16828
Type of Facility	Public Water Supply—Construction
Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street P. O. Box 61 Hollidaysburg, PA 16648
Application Received	January 19, 2011
Description of Action	Installation of new water filtration units.
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
Application No. 4211501 , Public Water Supply	
Applicant	PA American Water Company Kane
Township or Borough	Wetmore Township, McKean County
Responsible Official	William H. Lage
Consulting Engineer	Karl J. Shellenberger Buchart Horn, Inc. 1975 Waddle Road State College, PA 16803
Application Received	01/14/2011
Description of Action	Construction to replace existing High Service Pumps, and new pump building to house those pumps.
Application No. 2511501 , Public Water Supply	
Applicant	Summit Township Water Authority
Township or Borough	Summit Township, Erie County
Responsible Official	John A. Troutman
Consulting Engineer	August E. Maas, PE Hill Engineering, Inc. 8 Gibson Street North East, PA 16428
Application Received	01/14/2011
Date	

Description of Action	Construction of 12-inch Transmission Main along Old Perry Highway & Route 97 Pump Station.
Application No. 2511502 , Public Water Supply	
Applicant	Waterford Borough Municipal Authority
Township or Borough	Waterford Borough, Erie County
Responsible Official	Bruce Coffin
Consulting Engineer	August E. Maas, PE Hill Engineering, Inc. 8 Gibson Street North East, PA 16428
Application Received	01/18/2011
Date	
Description of Action	Construction of West 2nd Street Well & Hazel Street Well Chlorine Contact Pipelines for 4-Log inactivation.

MINOR AMENDMENT**Applications Received Under the Pennsylvania Safe Drinking Water Act**

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 5611501GWR , Minor Amendment.	
Applicant	UMH PA II, LLC , 3499 Route 9 North, Suite 3C, Freehold, NJ 07728
[Township or Borough]	Somerset Township
Responsible Official	UMH PA II, LLC, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728
Type of Facility	Water system
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received	January 5, 2011
Date	
Description of Action	Demonstration of 4-log treatment for groundwater sources

Application No. 0311501MA , Minor Amendment.	
Applicant	Brady's Bend Township Water and Sewer Authority , 697 State Route 68, East Brady, PA 16028
[Township or Borough]	Brady's Bend Township
Responsible Official	Wade Ion, Chairman Brady's Bend Township Water and Sewer Authority, 697 State Route 68, East Brady, PA 16028
Type of Facility	Water system

Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650
Application Received Date	January 18, 2011
Description of Action	Interconnection with the Petroleum Valley Regional Water Authority and the installation of approximately 22,000 feet of waterline to serve the Seybertown Road area.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

WA56-1006, Water Allocations. **The Municipal Authority of the Borough of Boswell**, 300 Stonycreek Street, Boswell, PA 15531, **Somerset County**. The applicant is requesting the right to purchase 10,000 gallons of water per day from the Somerset County General Authority.

Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are invited to submit statements to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 30-day comment period, the water management regional manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

PABIS 4821. Leslie's Septic Service, Pike Township, Potter County. Leslie's Septic Service, 491 Yahn Road Galetton, PA 16922 has submitted an individual site renewal application to beneficially use their biosolids on the Circle H farm in Pike Township, **Potter County**.

An individual site permit is necessitated by virtue of the facility being located within the confines of an exceptional value watershed. This action is a renewal of a currently permitted facility.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental

cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Ochal Residence, Warrington Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, John Patcella, Allstate Insurance, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 on behalf of Kathy Ochal, 2329 Jericho Drive, Jamison, PA 18929 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligence* on December 10, 2010.

Great Valley Shopping Center, East Whiteland Township, **Chester County**. Chris T. Kotch, Barry Isett & Associates, Inc. P. O. Box 147, Trexlertown, PA 18087, on behalf of Thomas Morelli, Morelli Rental Corporation, 81 Lancaster Avenue, Suite 209, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on November 4, 2010.

Franks Tire Center, Douglass Township, **Montgomery County**. Andre R. Fetterman, Synergy Environmental, Inc. 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 on behalf of James Brunner, Frank's Tire Center, 1493 East Philadelphia Avenue, Gilbertsville, PA 19525 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline. The future use of the site includes an auto body repair facility.

Riverside Construction Material Inc., Bristol Township, **Bucks County**. Rob Walsh, RJ Walsh & Associates, PO Box 119, Allentown, NJ 08501, Uday Patanker, Riverside Construction Materials, Inc. 7900 N. Radcliffe on behalf of W. Timothy Kurz, Riverside Construction Material Inc, 7900 North Radcliffe Street, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. The site is currently used to offload and store Portland cement, gypsum and road salt, utilizing a deep-water port located within the facility on the Delaware River.

Moving Target, Borough of Perkasio, **Bucks County**. Michael Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners, LLC, 812 Chestnut Street, Perkasio, PA 18944 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the property will be non-residential for commercial/light purpose. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on November 24, 2010.

Starlink Logistics Inc. Lower Gwynedd Township, **Montgomery County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Stuart Dearden, Starlink Logistics Inc, 1041 Route 202-206, Mail Code J103F, PO Box 6800, Bridgewater, NJ 08807-0800 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of chlorinated solvents. The intended future use of sites A, B, C is non-residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on December 15, 2010.

BPG Ellis Preserve, Newtown Township, **Delaware County**. Bella Bakraniea, IES Engineers, 1720 Walton Road, Blue Bell, PA 19422 on behalf of Linda Rothenberger, BPG Management Company, LP, Betsy Ross Cottage, 3815 West Chester Pike, Newtown Square, PA 19073 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of inorganics. The subject property is a planned community under the Uniform Planned Community Act, all units and other portions of which are owned by entities affiliated with BPG Management Company, LP. Portions of the site are currently used for mixed commercial and industrial uses. Future anticipate uses of portions of the property include continuation of the current mixed commercial and industrial uses, as well as developed of commercial, retail residential.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Kemp Foods Facility, City of Lancaster, **Lancaster County**. B & B Diversified Enterprises, Inc., PO Box 16, Barto, PA 19504, on behalf of HP Hood LLC, 6 Kimball Lane, Lynnfield, MA 01940, submitted a Notice of Intent to Remediate site groundwater contaminated with PCBs, PAHs, VOCs and SVOCs. Future use of the site, which will be remediated to the Site-Specific standard, will be commercial.

Cloister Heights, Ephrata Borough, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Community Basics, 941 Wheatland Avenue, Suite 204, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil released from two underground storage tanks. The site, which will be remediated to a combination of residential Statewide Health and Site-Specific standards, will remain residential.

Former IAC Carlisle Manufacturing Plant, Carlisle Borough, **Cumberland County**. AMEC Earth & Environment, 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462, on behalf of International Automotive Components North, 5300 Auto Club Drive, Plymouth, MI 48170 and Carlisle Auto Industries, Inc., 1000 Bryn Mawr Road, Carlisle, PA 17013, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs, and metals. The site will be remediated to a combination of Statewide Health (residential and non-residential) and Site-Specific standards.

Ben Kelly Property, Lower Paxton Township, **Dauphin County**. Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452, on behalf of Ben and Nicole Kelly, 6125 Bluegrass Avenue, Harrisburg, PA 17112-2328, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to the residential Statewide Health standard and will remain residential.

RENEWAL APPLICATION FOR RESIDUAL WASTE GENERAL PERMITS

Renewal Application for General Permit Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application Number WMGR068. Northampton Generating Co., 1 Horwith Dr., Northampton, PA 18067-9728. General Permit Number WMGR068 authorizes beneficial use of (i) carbonaceous wastes: petroleum coke, uncontaminated, untreated wood chips and other paper and wood industry wastes comprised primarily of wood fibers, and tire-derived fuel (TDF), and (ii) the ash generated from the burning of that waste as (a) an alternative fuel to combine with waste coal/coal to produce specification fuel for circulating fluidized bed boilers and (b) Ash - a soil additive to promote revegetation on mine sites; and (c) as prescribed in 25 Pa. Code §§ 287.661—287.666. The application for renewal was received by Central Office on November 15, 2010.

Persons interested in reviewing the general permit renewal application and/or providing comments are directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a

proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

01-05017F: World Color Printing (100 N. Main Street, Fairfield, PA 17320) for installation of two (2) printing presses at their printing plant in Fairfield Borough, **Adams County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 01-05017F authorizes the installation of a heatset web offset printing press and a digital printing press at the existing facility. These installations will increase the plant's VOC emissions potential by less than 7.0 tons per year. The Plan Approval and Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with

the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

63-00936D: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) to allow the installation and initial temporary operation of a fractionator tower rated for 355 MMscf/day of natural gas and a hot oil heater rated at 148 MMBtu/hr at their Houston Gas Plant in Chartiers Township, **Washington County**

In accordance with 25 Pa. Code §§ 127.44–127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00936D to allow the installation and initial temporary operation of a fractionator tower rated for 355 MMscf/day of natural gas and a hot oil heater rated at 148 MMBtu/hr at the Houston Gas Plant located in Chartiers Township, Washington County.

Potential emissions from the facility are estimated to be 58.35 tons of nitrogen oxides (NO_x), 68.63 tons of carbon monoxide (CO), 8.03 tons of particulate matter and particulate matter less than 10 microns in diameter (PM/PM₁₀), 25.65 tons of volatile organic compounds (VOC), and 0.44 tons of hazardous air pollutants (HAP) per year. Best available technology (BAT) for the proposed sources is implementation of a leak detection and recognition (LDAR) program, use of ultra-low NO_x burners including flue gas recirculation (FGR) and staged fuel combustion, good combustion practices, and proper operation and maintenance. The authorization is subject to State regulations and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart KKK. Federal requirements for Mandatory Greenhouse Gas Reporting from 40 CFR Part 98 have also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-63-00936D).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Alan Binder at 412-442-4168.

30-00194: EQT Gathering, LLC (625 Liberty Avenue, Pittsburgh, PA 15222) to allow installation and temporary operation of the following sources at their Callisto Compressor Station in Morris Township, **Greene County**: three (3) new natural gas-fired spark-ignition compressor engines rated at 4,735-bhp, each; two (2) dehydrators (including reboiler) rated at 120 MMscf of natural gas; one (1) natural gas-fired spark-ignition generator engine rated at 566 bhp for primary power production; one (1) natural gas-fired spark-ignition generator engine rated at 690 bhp for stand-by power production; two (2) 8,820-gallon produced fluids storage tanks.

In accordance with 25 Pa. Code §§ 127.44–127.46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval PA-30-00194 to allow the installation and temporary operation of the following sources at the Callisto Compressor Station located in Morris Township, Greene County: three (3) new natural gas-fired spark-ignition compressor engines rated at 4,735-bhp, each; two (2) dehydrators (including reboiler) rated at 120 MMscf of natural gas; one (1) natural gas-fired spark-ignition generator engine rated at 566 bhp for primary power production; one (1) natural gas-fired spark-ignition generator engine rated at 690 bhp for stand-by power production; two (2) 8,820-gallon produced fluids storage tanks.

The potential to emit for the facility was estimated at 78 tons of nitrogen oxides (NO_x), 29 tons of carbon monoxide (CO), 33 tons of volatile organic compounds (VOCs), 6 tons of formaldehyde, and 16 tons of total combined hazardous air pollutants (HAPs) per year. The plan approval will include federally enforceable limits for emissions of NO_x, CO, and VOC from the engines. Best available technology (BAT) for each proposed compressor engine is lean-burn natural gas combustion, installation of oxidation catalysts with air to fuel ratio controllers, good combustion practices, and proper maintenance and operation. BAT for each proposed generator engine is rich-burn natural gas combustion, installation of three-way catalysts with air to fuel ratio controllers, good combustion practices, and proper maintenance and operation. BAT for each proposed dehydrator/reboiler unit is the use of an enclosed ground flare for VOC, HAP, and malodor control. This authorization is subject to applicable sections of Title 25 of the Pennsylvania Code; Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for spark ignition internal combustion engines; and Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS)

including 40 CFR Part 63 Subpart HHH for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities, and 40 CFR Part 63 Subpart ZZZZ for Hazardous Air Pollutants From stationary reciprocating internal combustion engines. Federal requirements for Mandatory Greenhouse Gas Reporting from 40 CFR Part 98 has also been included in this Plan Approval. Compliance with emission limitations will be demonstrated through stack testing. The Plan Approval has been conditioned to ensure compliance with all applicable rules and regulations. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Title 25 of the Pennsylvania Code, Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-30-00194).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Devin P. Tomko at 412-442-5231

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00273: Titanium Finishing Co. (248 Main Street, East Greenville, PA 18041) for operation of an electroless plating and anodizing facility in East Greenville Borough, **Montgomery County**. The major sources of air emissions from this facility are one trichloroethylene (TCE) vapor degreaser, one electroless nickel plating process and one electroless chromium plating process. The proposed operating permit is for a non-Title V (State Only), Natural Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

64-00010: John Sexton Sand & Gravel Corp.—Rosencranse Landfill (2801 Lakeside Drive, Suite No. 100, Bannockburn, IL 60015) for operation of a landfill gas flare in Berlin Township, **Wayne County**. This is a renewal of a State-Only Operating Permit.

45-00007: National Electrical Carbon Products (100 Stokes Avenue, East Stroudsburg, PA 18301) for manufacture of carbon and graphite products facility in East Stroudsburg Borough, **Monroe County**. This is a renewal of a State-Only Natural Minor operating permit for this facility. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

28-05034: Grove Worldwide, LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) for operation of a chrome plating facility in Quincy Township, **Franklin County**. This action is a renewal of the state-only operating permit issued in 2006. The permit renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

67-05079: York Building Products Co., Inc. (1020 North Hartley Street, York, PA 17404-2831) for operation of the Thomasville Blacktop Plant in Jackson Township, **York County**. This is a renewal of the facility's state only operating permit issued in 2006.

44-05013: Eastern Industries, Inc.—Naginey Quarry (220 Park Rd. Winfield, PA 17889) for operation of limestone crushing and asphalt production plants in Armaugh Township, **Mifflin County**. This is a renewal of the facility's state only operating permit issued in 2005.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

04-00679: Tri-State River Products, Inc. (PO Box 218, Beaver, PA 15009) on January 14, 2011, for renewal of their State Only Operating Permit for an aggregate production facility known as the William L. Price No. 16 Dredge, on the Ohio River in the Municipality of Beaver, **Beaver County**.

11-00285: HRI, Inc. (1750 State College Avenue, Suite No. 1, State College, PA 16801) on January 18, 2011, for renewal of their State Only Operating Permit for an existing hot mix asphalt batch plant, in Richland Township, **Cambria County**.

30-00106: Equitrans, LP (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on January 18, 2011, for renewal of their State Only Operating Permit for Waynesburg Compressor Station, in Franklin Township, **Greene County**.

04-00701: Lindy Paving Company, Inc. (586 Northgate Circle, New Castle, PA 16105) on January 19, 2011, for renewal of their State Only Operating Permit for their asphalt paving mixture and block manufacturing facility in Monaca Borough, **Beaver County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

25-00940: Animal Friends Cremation Services (11711 Sharp Road, Waterford, PA 16441-3935) to issue a renewal State Only Operating Permit for their facility in Waterford Borough, **Erie County**. The facility is a Natural Minor. The primary source at the facility is a crematory. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Brawn, Chief—Telephone: 215-685-9476

S10-025: Park Towne Place Apartments (2200 Ben Franklin Parkway, Philadelphia, PA 19130) for operation of an apartment complex facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 25.1 MMBTU/hr boilers burning either natural gas or #4 oil and four (4) 35 kW natural gas emergency generators.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

45-318-034: Tobyhanna Army Depot (11 Hap Arnold Blvd. Tobyhanna, PA 18466) for installation and operation of two (2) new blasting booths with dust collectors and two (2) new paint booths with panel filters and dryers for their facility in Coolbaugh Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Tobyhanna Army Depot (11 Hap Arnold Blvd. Tobyhanna, PA 18466) for their facility in Coolbaugh

Township, Monroe County. This Plan Approval No. 45-318-034 will be incorporated into the company's Synthetic Minor Permit No. 45-00004 through an administrative amendment at a later date.

Plan Approval No. 45-318-034 is for the installation and operation of two new blasting booths with dust collectors and two new paint booths with panel filters and dryers at the facility located in Coolbaugh Twp., Monroe County. The TYAD will use high volumes low-pressure (HVLP) spray system to spray the paint inside each booth manually. All paints and coatings are code-compliant with the VOC limits of § 129.52, Table I. TYAD will maintain actual VOC emissions from the facility below 49.9 TPY on a 12 month rolling sum basis. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No. 45-318-034.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone No. 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

The following permit applications to conduct mining activities have been received by the Department. A copy of an application is available for inspection at the district

mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference or a public hearing, as applicable, on a mining permit application may be submitted by a person or an officer or head of Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of the person submitting comments or objections, the application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. A comment must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841316 and NPDES No. PA0213535, Consol PA Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Aleppo Townships, **Greene County** to add surface activity site acres for the installation of three ventilation boreholes. Surface Acres Proposed 10.2. No additional discharges. Application received: September 22, 2010.

30841317 and NPDES No. PA0213527, Consol PA Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** for an overhead power line and right-of-way to install power to the 3 North #6 Air Shaft. Surface Acres Proposed 13.7. No additional discharges. Application received: October 20, 2010.

32061303 and NPDES No. PA0235725, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Heilwood Mine in Pine and Cherryhill Townships, **Indiana County** to add subsidence control plan area acres. Subsidence Control Plan Acres Proposed 1574.4. No additional discharges. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Services Authority and intake: Yellow Creek. Application received: October 12, 2010.

56841612 and NPDES No. PA0588491, Wilson Creek Energy, LLC, (140 West Union Street, Somerset, PA 15501), to transfer the permit for the Wilson Creek Coal Preparation Plant in Black Township, **Somerset County** to Wilson Creek Energy, LLC from Svonavec, Inc. and revise the permit to add acreage and construct a new coal preparation plant. Revision includes operation name change from Coal Preparation Plant No. 2 to Wilson Creek Coal Preparation Plant. Surface Acres Proposed 4.1. No additional discharges. Application received: December 3, 2010.

63091301 and NPDES No. PA0236004, Tunnel Ridge, LLC, (2596 Battle Run Road, Triadelphia, WV 26059-1200), to revise the in-process permit for the Tunnel Ridge Mine in Donegal Township, **Washington County** to install the Miller Bleeder Shaft site and add an NPDES permit. Surface Acres Proposed 12.8. Receiving stream: Little Wheeling Creek, classified for the following use: WWF. Application received: September 20, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

02080101 and NPDES Permit No. PA0251461. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Application received for an insignificant boundary correction of 4.3 acres and redistribution of 6.3 unaffected acres at an existing bituminous surface mining site located in Findlay Township, **Allegheny County**, now affecting 91.0 acres. Receiving streams: unnamed tributary to Potato Garden Run, clas-

sified for the following use: warm water fishes. There are no potable water supply intakes within ten miles downstream from the point of discharge. Revision application received: January 20, 2011.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33100103 and NPDES Permit No. PA0258873. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface strip operation to add 2.0 acres to the existing surface mining permit in Union Township and Corsica Borough, **Jefferson County** affecting 28.5 acres. Receiving streams: Welch Run to Redbank Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 14, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54900105R4 and PA0594822. Tuscarora Mines & Minerals Corp., (P. O. Box 131, Tuscarora, PA 17982), renewal for reclamation activities only of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 40.0 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: January 13, 2011.

54840203R5 and NPDES Permit No. PA0613185. Skytop Coal, Inc., (P. O. Box 330, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 200.0 acre, receiving stream: Mill Creek to Schuylkill River, classified for the following use: cold water fishes. Application received: January 14, 2011.

54851332R5 and NPDES Permit No. PA0595756. RS & W Coal Co., Inc., (207 Creek Road, Klingerstown, PA 17941), renewal of an existing anthracite underground mine operation in Norwegian Township, **Schuylkill County** affecting 2.1 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: January 14, 2011.

54773005R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Blythe & East Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 2108.0 acres, receiving stream: none. Application received: January 14, 2011.

49663009R5 and NPDES Permit No. PA0594318. Mallard Contracting Co., Inc., (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and prep plant operation in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties** affecting 1200.0 acres, receiving stream: Shamokin Creek, classified for the following use: cold water fishes. Application received: January 18, 2011.

40663028R5. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and refuse disposal operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream: none. Application received: January 19, 2011.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10to35mg/l	20to70mg/l	25to90mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

50890301 and NPDES Permit No. PA0594431. Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034, renewal of NPDES Permit, Buffalo Township, **Perry County**. Receiving stream(s): unnamed tributary to Susquehanna River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2011.

6875SM5 and NPDES Permit No. PA0595128. Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034, renewal of NPDES Permit, Oliver Township, **Mifflin County**. Receiving stream(s): unnamed tributary to Strodes Run classified for the following use(s): high quality - cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2011.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10960301. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of existing NPDES Permit No. PA0227196 in Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to Blacks Creek and unnamed tributary to Slippery Rock Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 18, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

7474SM2C7 and NPDES Permit No. PA0124303. Essroc Cement Corp., (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Lower Nazareth Townships and Nazareth Borough, **Northampton County**, receiving stream: unnamed tributary to Shoeneck Creek, classified for the following use: warm water fishes. Application received: January 11, 2011.

6276SM4C7 and NPDES Permit No. PA0613142. Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Honey Brook and Caernarvon Townships, **Chester and Lancaster Counties**, receiving stream: West Branch Brandywine Creek, classified for the following uses: HQ-Trout Stock Fishery and Migratory Fishes. Application received: January 13, 2011.

7175SM2C7 and NPDES Permit No. PA0124061. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Washington and Jackson Townships, **Dauphin County**, receiving streams: unnamed tributary to Wiconisco Creek and unnamed tributary to Armstrong Creek, classified for the following use: cold water fishes. Application received: January 13, 2011.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

E46-1063. Wissahickon Valley Watershed Association, 12 Morris Road, Ambler, PA 19002, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities in the Wissahickon Watershed:

1. To remove an existing 47.65-foot long, 17.80-foot span abandoned concrete bridge.

2. To stabilize approximately 169 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures in the vicinity of the bridge.

3. To stabilize approximately 368 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures.

4. To stabilize approximately 179 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures, and impacting approximately 0.004 acre of wetlands (PEM/PFO).

5. To modify the existing stormwater outfall structure by constructing a rock weir in the tributary to Wissahickon Creek.

6. To place and maintain fill in the floodway of Wissahickon Creek associated with construction of a seepage berm.

The site is located near the intersection of West Prospect Park and Old Church Road, (Lansdale, PA USGS Quadrangle N: 12.5 inches; W: 5.25 inches).

E51-245- JERC Partners XIII, 171 State Route 173, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To place fill in 0.18 acre of wetlands (WL-C) associated with the construction of an industrial warehouse and

distribution facility at Red Lion Road. Approximately 0.18 acre of wetlands will be created as a mitigation measure.

The project site is located north of the intersection of Red Lion Road and Sandmeyer Lane in the City and County of Philadelphia. (Frankford, PA USGS Quadrangle N: 4.50 inches; W: 3.30 inches).

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-469. D&C Rentals, LLC., 556 Ward Hill Road, Canton, PA 17724-7761. Water Obstruction and Encroachment Joint Application, Parker Hannafin Development, in Canton Township, **Bradford County**, ACOE Baltimore District (Canton, PA Quadrangle N: 41° 39' 33"; W: 76° 50' 12").

To construct, operate and maintain a commercial development associated with the natural gas industry within the Mill Creek watershed (Cold Water Fishery, MF—Wild Trout). Construction of the development will require one (1) stream outfall and impact 0.581 acres of jurisdictional wetland natural. The project is located 0.2 miles east of Canton Borough along SR 0414 in Canton Township, Bradford County.

E17-466. DuBois Area School District, 500 Liberty Boulevard, DuBois, PA 15801-2437. Juniata Elementary School Expansion Project in the City of DuBois, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle Latitude: 41° 07' 51.3"; Longitude: 78° 45' 30.72").

DuBois Area School District proposes to expand the Juniata Elementary School requiring construction, replacement, modification, operation and maintenance of the following encroachments of Juniata Run and its 100-year floodplain:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
School Addition	Excavation, Fill and Building	Juniata Run 100-year Floodplain	CWF	41° 07' 50.62"	78° 45' 32.35"
Parking Area	Excavation, Fill and Impervious	Juniata Run 100-year Floodplain	CWF	41° 07' 51.12"	78° 45' 30.72"
Play Area	Excavation and Grading	Juniata Run 100-year Floodplain	CWF	41° 07' 52.26"	78° 45' 29.13"
Pavilion	Excavation and Building	Juniata Run 100-year Floodplain	CWF	41° 07' 52.97"	78° 45' 28.49"
Juniata Street Footbridge	Existing Footbridge Replacement	Juniata Run	CWF	41° 07' 50.04"	78° 45' 31.75"
First Street Footbridge	Existing Footbridge Replacement	Juniata Run	CWF	41° 07' 50.04"	78° 45' 31.75"
First Street Parking Area	Excavation, Fill and Impervious	Juniata Run 100-year Floodplain	CWF	41° 07' 51.36"	78° 45' 27.97"
Stormwater Facility	Outfall Structure	Juniata Run	CWF	41° 07' 52.65"	78° 45' 28.29"

As proposed, the activities in and along Juniata Run shall not increase the water 100-year frequency flood water surface elevations that are defined in the National Flood Insurance Program mapping for the City of DuBois. The project is located along the western right-of-way of First Street immediately south of West Sherman Avenue and First Street intersection.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-335. Municipal Authority of the Borough of Baden, 149 State Street, Baden, PA 15005. To construct in a Special Flood Hazard Area, Baden Borough, **Beaver County**, Pittsburgh ACOE District. (Baden Pa Quad-

range N: 3.0 inches; W: 2.5 inches; Latitude: 40 22' 8"; Longitude: 80 14' 6"). The applicant proposed to construct and maintain improvements to the Baden Sewage Treatment Plant to either raise the elevations of appurtenances or provide flood protection. The modifications include the Headworks Building platform, new influent wet well with watertight hatch, replacement of primary clarifiers with aerated sludge holding tanks above flood elevations, replacement of existing aerated sludge digester, installation of a new motor control center, and rehabilitation of doors and slide gates. The project involves construction along Tevebaugh Run (WWF) but is within a Special Flood Hazard Area (A15) of the Ohio River (WWF). The development will be constructed approximately 250 LF east of the intersection of Ohio River Blvd (Pa Rt. 65) and Tevebaugh Run Road.

Northcentral Regional Office: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-004: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Albany and Overton Township and New Albany Borough, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 6 inch diameter temporary water line and a 16ft wide equipment mat across an unnamed tributary to Ladds Creek (CWF, MF). Impacted Area: 5 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 55.61", Longitude: -76° 27' 22.06") in Albany Township, Bradford County.

2. One 6 inch diameter temporary water line and a 16ft wide equipment mat across an unnamed tributary to Ladds Creek (CWF, MF). Impacted Area: 3 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 36' 10.31", Longitude: -76° 28' 3.88") in Albany Township, Bradford County.

3. One 6 inch diameter temporary water line across Ladds Creek (CWF, MF). Impacted Area: 18 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 50.51", Longitude: -76° 28' 1.86") in Albany Township, Bradford County.

4. One 6 inch diameter temporary water line and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 38 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 34' 33.45", Longitude: -76° 29' 28.96") in Overton Township, Bradford County.

5. One 6 inch diameter temporary water line and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 19 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 34' 34.74", Longitude: -76° 29' 30.0") in Overton Township, Bradford County.

6. One 6 inch diameter temporary water line and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 19 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 7.89", Longitude: -76° 29' 28.98") in Overton, Bradford County.

7. One 6 inch diameter temporary water line and a 16ft wide equipment mat across an unnamed tributary to Black Creek (EV). Impacted Area: 3 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 7.89", Longitude: -76° 29' 28.98") in Overton, Bradford County.

8. One 6 inch diameter temporary water line and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 49 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 10.44", Longitude: -76° 29' 26.12") in Overton Township, Bradford County.

9. One 6 inch diameter temporary water line and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 49 square feet; (Dushore, PA Quadrangle N: 13.31 inches, W: 15.77 inches, Latitude: 41° 35' 16.90", Longitude: -76° 28' 56.11") in Albany Township, Bradford County.

The project will result in 34 linear feet of temporary stream impacts and 185 square feet of PEM wetland impact from water line and temporary mat crossings. These crossings will accumulate a total of 0.01 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E5829-004. Southwestern Energy Production Company, 181 W. Tioga Street, Suite 2, Tunkhannock, PA 18657; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) One 9 feet wide x 7 feet high x 25 feet long Concrete Box Culvert replacing two varying size culverts beneath an existing access drive on an Unnamed Tributary to Tunkhannock Creek (Chap. 93 CWF-MF); located at N 41° 42' 15.7" Lat., W -75° 39' 40.4" Long.; Stream Impact: 40 feet; U.S.G.S. Lenoxville Topographic Quadrangle.

2) One 24 inch diameter x 40 lineal foot Culvert in an existing field access road across a Palustrine Emergent (PEM) Wetland; located at N 41° 42' 18.9" Lat., W -75° 39' 46" Long.; Crossing Impact: 1,464 square feet; U.S.G.S. Lenoxville Topographic Quadrangle.

The project will result in the impact of 40 feet of stream channel and 1,464 square feet of Palustrine Emergent Wetlands all for the purpose of access to the Gerfin Well Site. Wetland impacts are de minimus.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11003	M-I LLC 1110 Matthew Street Watsonstown, PA 17777 Attn: Dennis LaHood	Lycoming	City of Williamsport	32 ASTs storing base oil & finished drilling mud	672,000 gallons total

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062405 (Sewage)	Scott Tech Park Discovery Road Scott Township, PA 18447	Lackawanna County Scott Township	An unnamed tributary to South Branch Tunkhannock Creek (4-F) TSF	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247651 (Stormwater)	United Parcel Service— Lewistown 1821 S. 19th Street Harrisburg, PA 17104-3206	Mifflin County / Armagh Township	UNT of Kishoquillas Creek / 12-A	Y
PA047774 (Stormwater)	Mueller's Auto Recycling & Sales, Inc. 1555 Mill Run Road Altoona, PA 16601	Blair County / Logan Township	UNT to Mill Run	Y
PA0022535 (Sew)	Millersburg Borough Area Authority 101 West Street Millersburg, PA 17061-1363	Dauphin County Millersburg Borough	Susquehanna River / 6-C	N

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0022373 (Sewage)	Lakeview Joint Sewer Authority 5394 Franklin Street Sandy Lake, PA 16145	Mercer County	Sandy Lake Borough Sandy Creek 16-G	Y
PA0222933 (Industrial Waste)	John Maneely Co. d/b/a JMC Steel Group 20 Church Street Wheatland, PA 16161	Mercer County Wheatland Borough	Shenango River 20-A	Y
PA0221007 (Sewage)	Volant Borough P. O. Box 96 530 Main Street Volant, PA 16156-0096	Lawrence County Volant Borough	Neshannock Creek 20-A	Y
PA0101273 (Industrial Waste)	B.H.B. Industries 133 Railroad Street Cambridge Springs, PA 16403	Crawford County Cambridge Springs Borough	French Creek 16-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0050466 Transfer, Sewage, East Vincent Township, 262 Ridge Road, Spring City, PA 19475-2203.

This proposed facility is located in East Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the transfer from East Vincent Municipal Authority due to change of ownership. Previous permit had incorrect watershed (3E) for the receiving stream. The correct watershed (3D) has been listed in the current permit.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PAS803505, Amendment No. 1, Stormwater, HPT PSC Properties Trust, 24601 Center Ridge Road, Westlake, OH 44145.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Letort Spring Run in Watershed 7B.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES Permit No. PAS224804, Industrial Waste SIC [2421 & 2452], Kuhns Brothers Lumber Company, Inc., 434 Swartz Road, Lewisburg, PA 17837.

This existing facility is located in Buffalo Township, **Union County**.

Description of Activity: Permit issued authorizing the discharge of stormwater associated with industrial activities from a lumber company that processes lumber for log homes, mulch and firewood.

NPDES Permit No. PAG041023, Sewage, Troy E. Plavsky, 24455 Highway 408, Cambridge Springs, PA 16403.

This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for Single Resident Sewage Treatment Plant.

NPDES Permit No. PAG041022, Sewage, Emerson Properties, LLC, P. O. Box 564, Harmony, PA 16037.

This proposed facility is located in Portersville Borough, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for replacement of a malfunctioning onlot Sewage Treatment Plant for a small business office.

NPDES Permit No. PA0263761, Sewage, **Allen & Stacy Ryan**, 6618 Pleasant Drive, Warren, PA 16365.

This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Issuance for a new NPDES permit, for a new discharge of treated sewage for Single Residence Sewage Treatment Plant.

NPDES Permit No. PA0263770, Sewage, **Ann Kozen**, 124 Fairway Circle, Townsend, TN 37882.

This proposed facility is located in Athens Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance for a new NPDES permit, for a new discharge of treated sewage for Single Residence Sewage Treatment Plant.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

WQM Permit No. 5410405 Sewerage, **Schuylkill County Municipal Authority**, 221 South Centre St., Pottsville, Pa 17901.

This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the State Route 61 North Corridor Sanitary Sewer Collection System Project.

WQM Permit No. 5410403 Sewerage, **Schuylkill County Municipal Authority**, 221 S. Centre St., Pottsville, Pa 17901.

This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for upgrading the Deer Lake WWTP from 0.229 MGD to a 1.0 MGD plant.

WQM Permit No. 5410408, Sewerage, **Pine Grove Joint Treatment Authority**, 115 Mifflin Street, Pine Grove, PA 17963.

This proposed facility is located in Pine Grove Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for modifications at the Authority's former sewage treatment plant to utilize the aeration tanks to receive hauled-in septage. From there, it will be pumped to the main pump station at a controlled rate and then conveyed to the new sewage treatment plant.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 3681401, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522-2792.

This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment approving the modification of sewerage facilities consisting of new headworks, modifications to the primary clarifier sludge piping, addition of an outer ring to the existing oxidation ditch, upgrade to the brush rotor aeration, and DO and ORP online instrumentation. Modifications to the RAS and new internal wastewater recycle systems, new controls to facilitate improved nutrient removal, and a new gravity thickener for primary sludge thickening.

WQM Permit No. 3691410, Amendment 10-1, Sewage, Amendment approval for the construction / operation of a Dissolved Air Flotation Unit consisting of sump pump, building, and appurtenances.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. WQG02490903, Sewerage [SIC 4952], **Lewis Township Supervisors**, 1428 Rovendale Drive, Watsonstown, PA 17777.

This proposed facility will be located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: General permit issued authorizing the design, construction and operation of the Trent Road pump station.

WQM Permit No. 6009201, **Kuhns Brothers Lumber Company, Inc.**, 434 Swartz Road, Lewisburg, PA 17837

This proposed facility will be located in Buffalo Township, **Union County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a leachate collection impoundment at an existing lumber company facility. Leachate will be collected for reuse in a mulch spray operation. Impoundment will be lined, maintain 2 foot of freeboard and be designed to accommodate a 25 year-24 hour storm (approximately 148,000 cubic feet of storage).

WQM Permit No. 4909403, Sewerage [SIC 4952], **Shamokin Coal Township Joint Sewer Authority**, 114 Bridge Street, Shamokin, PA 17872.

This existing facility is located in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing wastewater treatment upgrades for compliance with nutrient reduction requirements.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG018790, Sewage, **Ronald M. & Sarah W. Tarr**, 1937 Meadville Road, Titusville, PA 16354.

This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018792, Sewage, **Emerson Properties, LLC**, P. O. Box 564, Harmony, PA 16037.

This proposed facility is located in Portersville Borough, **Butler County**.

Description of Proposed Action/Activity: Replacement of a malfunctioning onlot Sewage Treatment Plant for a small business office.

WQM Permit No. WQG018793, Sewage, **Troy E. Plavsity**, 24455 Highway 408, Cambridge Springs, PA 16403.

This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. 6210402, Sewage, **Allen & Stacy Ryan**, 6618 Pleasant Drive, Warren, PA 16365.

This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018786, Sewage, **Ann Kozen**, 124 Fairway Circle, Townsend, TN 37882.

This proposed facility is located in Athens Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA

WQM Permit No. 1599422, Sewerage, **Amendment 2, Valley Forge Sewer Authority**, 333 Pawlings Road, Phoenixville, PA 19460.

This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Action/Activity: Expansion of the Valley Forge Sewer Authority WWTP from 9.2 mgd to 11.75 mgd annual average flow.

WQM Permit No. 1592402, Sewerage, **Renewal, Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Renewal of permit to allow continued operation of a sewage treatment plant and land application.

WQM Permit No. 4692417, Sewage, **Transfer, Mr. Mark & Ms. Justine Amarnek**, 132 Middle Creek Road, Gilbertsville, PA 19525.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Permit transferred from Robert Sugg and still operating as single residence sewage treatment plant.

WQM Permit No. 0996401, Sewerage, **Renewal, Solebury School**, 6832 Phillips Mill Road, New Hope, PA 18938.

This proposed facility is located in Solebury Township, **Bucks County**.

Description of Action/Activity: Renewal of permit to continue operation of a sewage treatment plant with spray irrigation.

WQM Permit No. 2310401, Sewerage, **Melmark**, 2600 Wayland Road, Berwyn, PA 19312.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Installation a campus-wide capped gravity sewer.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 091008	PECO Energy Company 2301 Market Street Philadelphia, PA 19103	Bucks	Solebury Township	Aquetong Creek & Tributaries (HQ-CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAS10-G558-R	Tevl Corporation 527 Main Street Harleysville, PA 19438	Chester	East Coventry Township	Unnamed Tributary Pigeon Creek (HQ-TSF)
PAI01 1509038	Coatesville Area School District—Benner Education Center— 545 E Lincoln Hwy, Coatesville, PA 19320	Chester	West Brandywine and Caln townships	West Branch Brandywine Creek (HQ-TSF-MF); Beaver creek (TSF-MF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI025210005	Lands of Siegfried 103 Siegfried Drive Newfoundland, PA 18445	Pike	Green Township	Unnamed tributary to Bridge Creek, HQ-CWF, MF
PAI023508006(1)	Karl Pfeiffenberger SLIBCO P. O. Box 431 Scranton, PA 18503	Lackawanna	Jessup Borough	Grassy Island Creek, HQ-CWF, MF; UNT to Lackawanna River, CWF, MF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Yardley Borough Bucks County	PAG0200 091040	Yardley Country Club 1010 Reading Avenue Yardley, PA 19067	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0906248-R	Kathleen M. Gilmore 159 King Road Chalfont, PA 18914	Unnamed Tributary Lake Galena/Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Plumstead Township Bucks County	PAG0200 0909027	Stanton Properties, Inc. 339 Armwell Road, Building C Hillsborough, PA 08844	Geedes Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0905043-R-1	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	North Branch Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Parkesburg Borough Chester County	PAG0200 151020	Chetty Builders 511 Schoolhouse Road Kennett Square, PA 19348	Unnamed Tributary Bucks Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG0200 151006	DN Acquisition Company, Inc. 4 Brandywine Avenue Downingtown, PA 19335	Unnamed Tributary East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG0200 151008	Karina Farms, LLC 234 North James Street Newport, DE 19804	Unnamed Tributary East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Darby Township Delaware County	PAG0200 231027	Drexelbrook Associates, LLC 4812 Drexelbrook Drive Drexel Hill, PA 19026	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG0200 231023	School District of Haverford Township 50 East Eagle Road Haverford, PA 19083	Cobbs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bridgeport Borough Montgomery County	PAG0200 4609096	Borough of Bridgeport 4th and Mill Street Bridgeport, PA 19405	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kline Twp. Schuylkill Co.	PAG02005410010	Hazleton Area School District ATTN: Anthony J. Ryba 1515 West 23rd St. Hazleton PA 18202	Honeybrook Reservoir (CWF, MF) Catawissa Creek (CWF, MF)	Schuylkill Co. Conservation District 570-622-3742
North Whitehall Twp. Lehigh Co.	PAG02003904038(R)	Bruce Laub 3544 Neffs-Laurys Rd Schnecksville, PA 18078	Fells Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583
Granville Township Mifflin County	PAG2004410005	Rob Postal MCIDC 6395 SR 103 North Lewistown, PA 17044	UNT to Juniata River/WWF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717-248-4695
West Hempfield Township Lancaster County	PAG2003610066	Mitchell S. Weaver 4418 Fairview Road Columbia, PA 17512	UNT Chickies Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Denver Borough Lancaster County	PAG2003610072	Cocalico School District 800 South 4th Street Denver, PA 17517	Denver/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Earl Township Lancaster County	PAG2003610074	Petra Christian Fellowship 565 Airport Road New Holland, PA 17557	UNT to Mill Creek/CWF-MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
West Pennsboro Township, Cumberland County	PAG2002109017	Sheetz, Inc. Michael Lacesa 5700 Sixth Avenue Altoona, PA 16602	UNT to Conodoguinet Creek/WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Bonneauville Borough Adams County	PAG02000110019	John Krichten DJ Homes 415 Cedar Run Road New Oxford, PA 17350	Rock Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Mount Joy Township Adams County	PAG02PAG200010 6006(1)	Barton L. Breighner Barton Real Estate, LLC 420 Bulk Plant Road Littlestown, PA 17340	Little Run, Rock Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Burnside Township Clearfield County	PAG2001710013	R.J. Corman Railroad Company Pennsylvania Lines PO Box 788 Nicholasville, KY 40340	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Berwick Borough Columbia County	PAG2001905017R	William B. Michael Berwick Area Little League Land PO Box 65 Berwick, PA 18603	Susquehanna River WWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Millville Borough Columbia County	PAG2001908009(1)	Gerald W. Creveling Creveling Excavating 179 Bottom Rd. Orangeville, PA 17859	Little Fishing Creek CWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Muncy Township Lycoming County	PAG2004110018	Jim Miller MBC Development, LP 950 E. Main St. PO Box 472 Schuylkill Haven, PA 17972	UNT to Carpenters Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Point Township Northumberland County	PAG2004910019	Service Electric Cable Vision 500 Grant St. Sunbury, PA 17801	Susquehanna River WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Beaver County Chippewa Twp.	PAG2000406001-R	Tri-Venture Limited c/o Gary Birmingham 665 Freedom Crider Road Freedom, PA 15042	UNT to North Branch Bradys Run (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 724-378-1701

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Fayette County
South Union Twp.

PAG2002611001

George Family
Limited Partnership
PO Box 458
Chalk Hill, Pa
15421-0458

Redstone Creek (WWF)

Fayette County CD
10 Nickman Plaza
Lemont Furnace,
PA 15456
724-438-4497Indiana County
Conemaugh Twp.

PAG020023210008

Indiana County
Municipal Services
Authority
602 Kolter Drive
Indiana, PA 157101Elders Run, Blackleggs
Creek & UNT
Conemaugh River
(CWF)Indiana County CD
625 Kolter Drive, Suite 8
Indiana, PA 15701-3571
724-471-4751Perry Township
Clarion CountyPAG02 0616 09
001(1)Central Electric
Corporation
PO Box 329
716 Route 268
Parker PA 16049Middle Allegheny River
WWFClarion Conservation
District
814-226-4070 x113Union Township
Lawrence CountyPAG02 0037 06
005(1)RArbor Development
Group
Attn: David Chapin
4420 E. Miraloma Ave,
Ste A
Anaheim CA 92807UNT Shenango River
WWFLawrence Conservation
District
724-652-4512*General Permit Type—PAG-3**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Hegins Twp
Schuylkill County

PAR202254

MI Windows and
Doors Inc
PO Box 4490
Clearwater FL 33758

Pine Creek (CWF)

PA DEP Northeast
Regional Office
2 Public Square
Wilkes-Barre, PA
18701-1915 570-826-2511Perry Township
Snyder County

PAR224816

RJ Hoffman and
Sons, Inc.
1144 Buckwheat
Valley Road
Mount Pleasant Mills,
PA 17853Unnamed Tributary to
North Branch
Mahantango Creek
(CWF)—6-CDEP Northcentral
Regional Office Water
Management
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448 570.327.3664Clinton Township
Lycoming County

PAR224807

Springs Window
Fashions, LLC
P. O. Box 500
Montgomery, PA 17752Unnamed Tributary to
West Branch
Susquehanna River—
WWF, 10-CDEP Northcentral
Regional Office Water
Management
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448 570.327.3664Slippery Rock
Township
Butler County

PAR218327

Mercer Lime &
Stone Company
560 Branchton Road
Slippery Rock, PA 16057Unnamed tributary to
McDonald Run, 20-CDEP NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481 814/332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Cherrytree
Township
Venango County

PAG041020

Ronald M &
Sarah W. Tarr
1937 Meadville Road
Titusville, PA 16354Unnamed tributary of
Prather Creek 16-DDEP NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942

*General Permit Type—PAG-12**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Adams County /
Oxford Township

PAG123589

Dale Hess Farm
768 Oxford Road

Termination of Permit

DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802Union County,
Kelly Township

PAG124801

Gary A. Pfleegor,
Pfleegor Farm,
560 Goodman Road,
Lewisburg, PA
17837-7589Trib to Little Buffalo
Creek, Watershed 10CPADEP-North
Central Regional Office
Watershed Management
208 West Third Street,
Suite 101,
Williamsport, PA
17701-6448
570-327-0529**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 6710518 MA, Minor Amendment, Public Water Supply.

Applicant

The York Water Company

Municipality

Codorus Township

County

York

Responsible Official

Mark S Snyder,
Engineering Manager
130 East Market Street
PO Box 15089
York, PA 17405-7089

Type of Facility

Jefferson Reservoir Tank
Repainting.

Consulting Engineer

1 - Not Available

Permit to Construct
Issued:

1/20/2011

Permit No. 0610522, Public Water Supply.

Applicant

**Wernersville Municipal
Authority**

Municipality

South Heidelberg Township

County

Berks

Responsible Official

Michael J. Drobeck, Chairman
PO Box 145
250 North Elm Street
Wernersville, PA 19566

Type of Facility

Installation of chlorination
facilities for Well No. 7.
Demonstration of 4-Log
Treatment of Viruses for GWR.

Consulting Engineer

Richard M. Schloesser, P.E.
Spotts, Stevens and McCoy, Inc.
1047 North Park Road
250 North Elm Street
Reading, PA 17610-0307Permit to Construct
Issued:

1/12/2011

Permit No. 2210513 MA, Minor Amendment, Public Water Supply.

Applicant

**Halifax Area Sewer &
Water Authority**

Municipality

Halifax Township

County

Dauphin

Responsible Official

Fred L Ford, Chairman
PO Box 443
Halifax, PA 17032

Type of Facility GWR 4-Log inactivation of viruses. Installation of additional chlorine contact piping at EP Nos. 101 & 103.

Consulting Engineer John L Latsha, P.E.
Glace Associates Inc
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct Issued: 1/18/2011

Permit No. 2110508 MA, Minor Amendment, Public Water Supply.

Applicant **South Middleton Township Municipal Authority**

Municipality South Middleton Township

County **Cumberland**

Responsible Official Robert L Kissinger, Manager
345 Criswell Drive
Boiling Springs, PA 17007-0008

Type of Facility Chlorine contact pipe installation, 4-log demonstration.

Consulting Engineer Max E Stoner, P.E.
Glace Associates, Inc.
3705 Trindle Rd
Camp Hill, PA 17011

Permit to Construct Issued: 1/21/2011

Permit No. 0610529, Public Water Supply.

Applicant **Reading Area Water Authority**

Municipality Ontelaunee Township

County **Berks**

Responsible Official Dean Miller, Executive Director
815 Washington Street
Reading, PA 19601

Type of Facility Installation of sodium hypochlorite treatment facilities inside existing Ames Way Booster Station.

Consulting Engineer Thomas L Weld Jr, P.E.
BCM Engineers
920 Germantown Pike
Plymouth, PA 19462

Permit to Construct Issued: 1/12/2011

Permit No. 0610509, Public Water Supply.

Applicant **Cornell Companies dba Abraxas Academy**

Municipality New Morgan Borough

County **Berks**

Responsible Official Michael D. Sweeney,
Business Manager
1000 Academy Drive
PO Box 645
Morgantown, PA 19543-0645

Type of Facility Project consist of addition of an blended orthopolyphosphate for general corrosion control. Also included are improvements to ensure the system provides 4-log treatment of viruses.

Consulting Engineer Charles A Kehew II, P.E.
James R. Holley & Assoc., Inc.
18 South George St.
York, PA 17401

Permit to Construct Issued: 12/30/2010

Operations Permit issued to: **Borough of Fleetwood**, 3060029, Ruscombmanor Township, **Berks County** on 1/12/2011 for the operation of facilities approved under Construction Permit No. 0610501 MA.

Operations Permit issued to: **Dillsburg Area Authority**, 7670071, Dillsburg Borough, **York County** on 1/24/2011 for the operation of facilities approved under Construction Permit No. 6710521 MA.

Operations Permit issued to: **Lyons Borough Municipal Authority**, 3060096, Lyons Borough, **Berks County** on 1/12/2011 for the operation of facilities approved under Construction Permit No. 0610540 MA.

Operations Permit issued to: **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 1/20/2011 for the operation of facilities approved under Construction Permit No. 6710505 MA.

Operations Permit issued to: **Gratz Borough Water Revenue Fund**, 7220005, Gratz Borough, **Dauphin County** on 1/18/2011 for the operation of facilities approved under Construction Permit No. 2210508 MA.

Operations Permit issued to: **Mexico Market & Deli**, 4340812, Walker Township, **Juniata County** on 12/28/2010 for the operation of facilities approved under Construction Permit No. 3410507 MA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Red Rock Job Corps**

[Township or Borough] Colley Township

County **Sullivan**

Responsible Official Mr. John R. Fite
Red Rock Job Corps
US Department of Labor
P. O. Box 218
Lopez, PA 18628

Type of Facility Public Water Supply

Consulting Engineer Michael B. Mills, P.E.
Martin Rogers Assoc., PC
185 N. Pennsylvania Ave.
Wilkes-Barre, PA 18701

Permit Issued Date January 20, 2011

Description of Action Modifications to the inlet and outlet piping of both finished water storage tanks. Chlorinated water will enter at the top and discharge at the bottom of the tanks to ensure 4-log inactivation of viruses.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Kreamer Municipal Authority
[Township or Borough]	Middlecreek Township
County	Snyder
Responsible Official	Mr. Todd Mace, Operator Kreamer Municipal Authority P. O. Box 220 Kreamer, PA 17833
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	January 21, 2011
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well Nos. 4 and 9).

The Beccaria, Coalport, Irvona Municipal Authority (Public Water Supply), **Clearfield County**: On January, 20, 2011, the Watershed Management Program approved the Source Water Protection (SWP) plan for this Beccaria, Coalport, Irvona Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (David W. Garg, P.E.) (570) 321-6581.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, PWSID #6610019, Emlenton Borough, **Venango County** on January 14, 2011, for operation of the Aqua PA Emlenton Water Filtration Plant and distribution system. This permit is issued in response to an operation inspection conducted by Department personnel on January 13, 2011, and in accordance with construction permit 6109503, issued March 26, 2010.

Operations Permit issued to **Borough of East Brady**, PWSID #6160003, East Brady Borough, **Clarion County** on January 21, 2011, for operation of 235 feet of 48-inch ductile iron pipe used for chlorine contact time. This permit is issued in response to an operation inspection conducted by Department personnel on January 18, 2011, and in accordance with construction permit 1604502-MA2, issued August 13, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Brunswick Twp.	West Brunswick Twp. 95 Municipal Road Orwigsburg, PA 17961	Schuylkill
West Brunswick Twp.	Schuylkill County Municipal Authority 221 South Centre St. Pottsville, PA 17901	Schuylkill

Plan Description: The approved plan, revised December 2010, has evaluated the Route 895 Pine Creek South Study Area and proposes a sanitary sewer collection system and construction of the West Brunswick Township (WBT) Pump Station. It is estimated that the sanitary sewer system will serve about 100 EDUs initially and about 164 EDUs ultimately. The sewer collection system will consist of about 23,550 L.F. of 8" PVC gravity pipe; two grinder pumps and about 950 L.F. of 2" low pressure force main. The WBT pump station's discharge will enter a 725 foot section of 6" force main before it connects with Auburn Municipal Authority's 8" force main, which connects with SCMA's/Deer Lake's WWTP. Wastewater from the WWTP discharges to Pine Creek, a tributary of the Schuylkill River and the Delaware River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Schuylkill County Municipal Authority.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Keating Township	P. O. Box 103 East Smethport, PA 16730	McKean

Plan Description: The approved plan provides for the construction of two new 85,000 GPD sewage treatment plants (STP), as well as a small portion of the project area being conveyed to the existing Smethport sewage treatment facility. The project is divided into east and west sectors, and may be done as two separate phases unless funding can be obtained to construct both portions at the same time. The west side (Phase II) will encompass the Gifford, Cyclone and Ormsby areas, and is approximately 351 EDUs. Treatment will be at the first new STP, which will be located near Cyclone, after being conveyed through 97,000 +/- LF of proposed pressure sewer, accompanied by grinder pumps and a pump station. Final discharge will be into a UNT of Kinzua Creek. 51 EDUs from the Blacksmith, Stickles-Fairmont areas will be treated at the existing Smethport STP. The east side (Phase III) will service the Wolf Run, Bordell, Wrights Corners, Brooder Hollow, Tyler Brook, Chaplin Hill, and Farmers Valley areas, and is approximately 344 EDUs. Treatment will be at the second new STP, located in Farmers Valley, after being conveyed through 130,800 +/- LF of proposed pressure sewer, accompanied by two pump stations and grinder pumps. Final discharge will be into Potato Creek. Existing and future sewage needs are being provided for as well as capacity for 20 homes in adjacent Lafayette Township. Numerous small flow treatment facilities will be eliminated through this project and it will also address the needs of the Highland Council Boy Scout Camp which is currently under a CO&A. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Snyder Township	108 Baughman Hollow Road Tyrone PA 16686	Blair County

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility, to repair a malfunctioning on-lot sewage system, for the 1.17 acre property owned by Corinna Teeter. The proposed sewage flows are 400 gallons per day with a discharge to a dry stream channel tributary to Decker Hollow Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Former Kemp Foods Facility, City of Lancaster, Lancaster County. B & B Diversified Enterprises, Inc., PO Box 16, Barto, PA 19504, on behalf of HP Hood LLC, 6 Kimball Lane, Lynnfield, MA 01940, submitted a Remedial Investigation, Cleanup Plan, and Final Report concerning remediation of site groundwater contaminated with PCBs, PAHs, VOCs and SVOCs. The reports are intended to document remediation of the site to meet the Site-Specific standard.

CSXT Locomotive 7550 Diesel Fuel Release, Chambersburg Borough, Franklin County. ARCADIS, 1114 Benfield Boulevard, Suite A, Millersville, MD 21108, on behalf of CSX Intermodal Terminals, 700 Kriner Road, Chambersburg, PA 17202 and CSX Transportation, Inc., 500 Water Street, J-275, Jacksonville, FL 32202, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from a parked locomotive. The report, which was submitted within 90 days of the release, is intended to document remediation of the site to meet the Statewide Health standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Trinity Industries Inc. North Plant, Borough of Greenville, Mercer County. Golder Associates, Inc., Spring Mill Corporate Center, 555 North Lane, Suite 6057, Mt. Laurel, NJ 08054 on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207 has submitted a Remedial Investigation Report concerning remediation of site soils contaminated with ethylbenzene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, antimony, arsenic, lead and site groundwater contaminated with PCE, vinyl chloride, arsenic, manganese, and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of

regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Former Wilkes-Barre Water Street MGP Site, City of Wilkes-Barre, **Luzerne County**. John Roberts, Stantec Consulting Services, Inc., 400 Dais Drive, Suite 400, Plymouth Meeting, PA 19462 submitted a Remedy Selection/Remedy Design Report (Cleanup Plan) (on behalf of his client, UGI Penn Natural Gas, Inc., P. O. Box 12677, Reading, PA 19612-2677), concerning the remediation of site soils and groundwater found to have been impacted by manufactured gas plant constituents due to historical operations from a former manufactured gas plant. The report met the requirements of the Site-Specific Standard for soil and groundwater and the Statewide Health Standard for soil and groundwater and was approved on January 20, 2011.

Former Hank's Garage, 411 South 1st Street, Bangor Borough, **Northampton County**. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Edward Wagner, 406 Nazareth Drive, Nazareth, PA 18064), concerning the remediation of soil found to have been impacted by leaded/unleaded gasoline as a result of a release in a tank field formerly containing three 3,000-gallon underground storage tanks. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on January 19, 2011.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Alba Mountain Road-Arlen Landis Property, Canton Township, **Bradford County**. Pennsylvania Tectonics, Inc., 826 Main St., Peckville, PA 18452 on behalf of Arlen Landis, 896 Alba Mountain Road, Canton, PA 16947 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 18, 2011.

Former Region Oil Gulf, City of Sunbury, **Northumberland County**. Delta Consultants, 5910 Rice Creek Pkwy., Suite 100, Shoreview, MN 55126 on behalf of Damark, Inc. Liquidating Trust, 5007 East Mount Washington, St. Paul, MN 55126 has submitted a combined Remedial Investigation/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, PHC's, MTBE, cumene and naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and the Site-specific Standard and was approved by the Department on January 19, 2011.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19001

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP14-46-0274: Catagnus Funeral Home & Cremation Center, Ltd. (329 North Lewis Road, Royersford, PA 19468) on January 14, 2011, to operate a human crematory unit in Limerick Township, **Montgomery County**.

GP3-46-0094: Allied Recycling Co. (1752 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 20, 2011, to operate a portable nonmetallic mineral processing plant in Limerick Township, **Montgomery County**.

GP11-46-0047: Allied Recycling Co. (1752 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 20, 2011, to operate nonroad engine(s) in Limerick Township, **Montgomery County**.

GP3-09-0099: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on January 21, 2011, to operate a portable nonmetallic mineral processing plant in Hilltown Township, **Bucks County**.

GP9-09-0029: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) On January 21, 2011, to operate diesel-fired internal combustion engines in Hilltown Township, **Bucks County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP5-10-368A: Keystone Midstream Services, LLC—Bluestone Gas Processing Plant (Hartmann Road, Evans City, PA 16033) on January 12, 2011, to operate natural gas fired compressor engines (BAQ-GPA/GP-5) in Jackson Township, **Butler County**.

GP4-25-1031A: Pennsylvania Electric Motor Service, Inc. (4693 Iroquois Avenue, Erie, PA 16511) on January 7, 2011, to operate burn off ovens (BAQ-GPA-GP-4) in Harborcreek Township, **Erie County**.

GP1-25-1032A: Cliffstar, LLC (63 Wall Street, North East, PA 16428) on January 13, 2011, to operate an existing 20.9 MMbtu/hour natural gas fired boiler (BAQ-GPA-GP-1) in North East Borough, **Erie County**.

GP5-42-203C: Atlas Energy Resources, LLC—Hamilton Compressor Station (455 Forest Road, Lafayette, PA 16751) on January 19, 2011, to operate a

natural gas fired compressor engine (BAQ-GPA/GP-5) in Hamilton Township, **McKean County**.

GP5-62-166A: Pennsylvania General Energy Co., LLC—Zimmerman Hill Compressor Station (Zimmerman Hill Road, Warren, PA 16365) on January 12, 2011, to operate four (4) natural gas fired compressor engines (BAQ-GPA/GP-5) in Pleasant Township, **Warren County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0028E: Fibermark North America, Inc. (45 North Fourth Street, Quakertown, PA 18951) on January 20, 2011, for modification of existing Source ID 303: Surface Coater No. 11 at their Quakertown Plant in Quakertown Borough, **Bucks County**. Fibermark proposes to increase the VOC content limit of coatings from 0.05 to 1.81 pound of VOC per gallon of coating solids, as applied, and decrease the source VOC emission limit from 20 tons per year to 10 tons per year. There are no physical changes to the source equipment. Fibermark North America, Inc. is a major source of VOC and HAPs, currently operating under TVOP No. 09-00028. The installation will not trigger New Source Review. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

04-00065C: WHEMCO-Steel Casting, Inc. (1 12th Street, Midland, PA 15059) on January 7, 2011 for an extension of the Plan Approval for the temporary operation to facilitate the shake-down operation and to conduct an initial operating permit inspection of their facility at Midland Borough, **Beaver County**. The plan approval has been extended.

63-00549A: Arden Landfill, Inc. (625 Cherrington Parkway, Moon Township, PA 15108) on January 7, 2011, for an extension of the Plan Approval (gas to energy plant) for the temporary operation and to amend the Title V Permit in Chartiers Township, **Washington County**. The plan approval has been extended

03-00027B: GenOn Northeast Management, Inc. (121 Champion Way, Suite 200, Canonsburg, Pa 15317-581) on January 19, 2011, for an extension of the Plan Approval for the temporary operation and to amend the Title V Permit for their facility in Plumcreek Township, **Armstrong County**. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00004: Oliver-Tolas Healthcare Packaging, Inc. (905 Pennsylvania Boulevard, Feasterville, PA 19053) on January 20, 2011, for a State Only, Synthetic Minor Operating Permit Renewal in Lower Southampton Township, **Bucks County**. The facility operates rotogravure and flexographic printing presses, and cold degreasers. The primary pollutant of concern is volatile organic compounds (VOC) from the printing and degreasing processes which have the potential to exceed major thresholds. The company has elected to take appropriate operating and emission restrictions to limit VOC emissions to below 24.9 tons per year and maintain a synthetic minor operating status. The current operating permit expires on April 30, 2011. There have been no changes at the facility since the last operating permit was issued. Monitoring, record keeping and reporting requirements are included in the permit to address applicable limitations.

46-00172: Gemalto, Inc. (101 Park Drive, Montgomeryville, PA 18936) on January 20, 2011, for renewal of a State Only, Synthetic Minor Operating Permit in Montgomery Township, **Montgomery County**. The facility operates both lithographic and silk screen printing presses. The primary pollutant of concern is volatile organic compounds (VOC) from the printing processes which have the potential to exceed major thresholds. The company has elected to take appropriate operating and emission restrictions to limit VOC emissions to below 24.9 tons per year and maintain a synthetic minor operating status. The current operating permit expires March 31, 2011. There have been some changes at the facility since the issuance of the original operating permit. Plan Approval No. 46-0172B and General Plan Approval/Operating Permit, 46-320-038GP are being incorporated into the state only operating permit during the renewal. Monitoring, record keeping and reporting requirements are included in the permit to address applicable limitations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

07-03038: Amerway, Inc. (3701 Beale Avenue, Altoona, Pennsylvania 16601-1317) on January 12, 2011, for the tin/lead solder alloy wire products manufacturing facility in Altoona City, **Blair County**. This is a renewal of the State Only Operating permit.

06-01069R: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147, Lyon Station, PA 19536) on January 19, 2011, to approve and condition the implementation of the VOC/NOx RACT plan for the Title V battery assembly facility in Richmond Township, **Berks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00151: FTCA, Inc.-Coleman Camping Trailers - Plant No. 72 (258 Beacon Street, PO Box 111, Somerset, PA 15501) on January 19, 2011, to issue a State Only Operating Permit for to manufacture portable "pop-up" camping trailers at their facility in Somerset Borough, **Somerset County**. The operation of the facility's air contamination sources consist of a pyrolysis cleaning furnace, drying oven, powder coating, and miscellaneous VOC/HAP applications including caulking, sealants, adhesives, and cleaners. The facility is subject to 40 CFR 63 Subpart Mmmm, Pppp, and Rrrr pertaining to surface coating. The facility will continue to be treated as a major facility per 25 Pa Code Section 127.206(k). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements and is a State Only Renewal

26-00562: Coastal Lumber Co. (3302 Lobban Place, Charlottesville, VA 22903) on January 24, 2011, to issue a State Only Operating Permit for operation of their saw mill facility in South Union Township, **Fayette County**. The operation of the facility's air contamination sources, consisting of 1-15.4 MMBTU/hour wood-fired boiler, 1-8.5 MMBTU/hour natural gas-fired boiler, sawdust loading operation and excess sawdust loadout operation emit 17.59 tons per year of PM₁₀, 1.69 tons per year of SO₂, 36.27 tons per year of CO, 13.30 tons per year of NO_x and 2.63 tons per year of VOC. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Braun, Chief—Telephone: 215-685-9476

S10-023: Philadelphia Gas Works - Passyunk Station (3100 Passyunk Avenue, Philadelphia, PA 19145) for operation of a liquefied natural gas (LNG) storage and distribution facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two heaters each AAAA10 MMBTU/hr, one emergency generators at 1250 Hp, two emergency generators at 110 Hp each, three 58.8 MBTU/hr boilers with low NO_x burners, a firewater pump, and a gasoline vehicle fueling system with Stage II vapor recovery.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00031: Eureka Stone Quarry, Inc. (PO Box 249 Chalfont, PA 18914-0249) on January 20, 2011, to amend the operating permit was for Rush Valley 1 Quarry and Asphalt Plant, a synthetic minor facility in Wrightstown Township, **Bucks County**. The Administrative Amendment incorporates the conditions of Plan Approval 09-0031B for Hot Mix Asphalt Plant No. 4.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

67-03098: White Rose Crematorium, LLC (420 Pat-tison Street, York, Pennsylvania 17403-2439) on January 19, 2011, for their human crematory in York City, **York County**. This State Only Operating permit was administratively amended due to a change of ownership. This is Revision 1 of the permit.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

11-00356: Peoples Natural Gas Co., LLC (1201 Pitt Street, Pittsburgh, PA 15221) Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Peoples Natural Gas Company, LLC, Laurel Ridge/Rager Mountain Compressor Station, located in Jackson Township, **Cambria County**:

Emissions from this project will not exceed 0.20 tpy VOC, 0.07 tpy HAP, 0.72 tpy NO_x, 0.61 tpy CO, 0.06 tpy PM₁₀, and 0.01 tpy SO₂ from the installation and operation of one Exterran triethylene glycol dehydrator, rated at 75 MMscf/day; equipped with a natural gas-fired re-boiler, rated at 0.65 MMBtu/hr; and controlled by a natural gas-fired thermal oxidizer rated at 1.0 MMBtu/hr.

The list of de minimis increases includes only this project. This is a Title V Facility.

32-00101: Halliburton Energy Services, Inc. (PO Box 42810, Houston, TX 77242). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Halliburton Energy Services, Inc., Indiana Plant, located in Homer City Borough, **Indiana County**:

Emissions from this project will not exceed 0.005 tpy PM₁₀ from the increase in annual sand throughput from 6,795 to 10,000 tons per year.

In addition to this project, the list of de minimis increases includes:

October 2008 construction of the Bulk Cement/Flyash Storage Plant. This is a State Only Facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Applications Returned

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17100105 and NPDES No. PA0257338. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15842). Commencement, operation and restoration of a bituminous surface mine located in Penn Township, **Clearfield County** affecting 364.3 acres. Receiving streams: unnamed tributaries to Daily Run to Curry Run to the West Branch of the Susquehanna River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010. Application withdrawn: January 18, 2011.

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841307 and NPDES Permit # PA0213438, Emerald Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to add surface activity site acres to install thirteen ventilation boreholes and associated access roads. Coal Refuse Disposal Support Acres Proposed 10.81. No additional discharges. Application received: March 26, 2010. Permit issued: January 18, 2011.

30841317 and NPDES Permit # PA0213527, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to construct Phase 1 of an overland conveyor to transport coal from the proposed Oak Spring Slope to the Bailey Mine Complex Preparation Plant. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301-303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Surface Acres Proposed 202.0. Receiving stream: Long Run, classified for the following use: TSF. Application received: August 28, 2009. Permit issued: January 19, 2011

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

56060107. Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, transfer of an existing bituminous surface and auger mine from Greathouse & Greathouse Enterprises, 2066 Whistler Road, Stoystown, PA 15563, located in Quemahoning Township, **Somerset County**, affecting 26.4 acres. Receiving stream(s): Higgins Run, a tributary to Quemahoning Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: July 15, 2011. Permit issued: January 18, 2011.

56080108 and NPDES No. PA0262692. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to conduct auger mining activities within 100 feet and beneath of SR 2024, Walker School Road in Brothersvalley Township, **Somerset County**, affecting 377.7 acres. Receiving stream(s): unnamed tributary to Blue Lick Creek; unnamed trib to Swamp Creek; UT to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10

miles downstream. Application received: October 13, 2010. Permit issued: January 18, 2011.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65890104 and NPDES Permit No. PA0591734. Coal Loaders, Inc. (210 East Main Street, Ligonier, PA 15658). Transfer of permit formerly issued to Gary Gioia Coal Company for continued reclamation only of a bituminous surface/auger mining site located in South Huntingdon Township, **Westmoreland County**, affecting 92.5 acres. Receiving streams: unnamed tributary to Barren Run. Transfer application received: July 22, 2010. Transfer permit issued: January 18, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

49050101R and NPDES Permit No. PA0224430. Farragut Anthracite Company, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine and refuse disposal operation in Coal and Zerbe Townships, **Northumberland County** affecting 578.0 acres, receiving stream: Shamokin Creek. Application received: March 2, 2010. Renewal issued: January 20, 2011.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

3075SM6. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial mineral operation from Ennstone, Inc. d/b/a Three Rivers Aggregates in Worth Township and West Liberty Borough, **Butler County** affecting 114.5 acres. Receiving streams: Hogue Run, Black Run and Slippery Rock Creek. Application received: November 8, 2010. Permit Issued: January 19, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08114103. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Construction blasting for a detention pond located in Asylum Township, **Bradford County**. Permit issued: January 12, 2011. Permit expires: March 31, 2011.

08115101. John H. Brainard (RR 1, Box 275, Kingsley, PA 18826-9702). Blasting for road construction located in Asylum Township, **Bradford County**. Permit issued: January 12, 2011. Permit expires: February 28, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36114102. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Park View in Manheim Township, **Lancaster County** with an expiration date of January 7, 2012. Permit issued: January 18, 2011.

36114104. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lincoln Meadows in Ephrata Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: January 18, 2011.

48114101. Pact Construction, Inc., (P. O. Box 74, Ringoes, NJ 08551), construction blasting for Freemansburg Avenue Interceptor Replacement Contract 10-5 in Bethlehem Township, **Northampton County** with an expiration date of January 10, 2012. Permit issued: January 18, 2011.

48114102. Pact Construction, Inc., (P. O. Box 74, Ringoes, NJ 08551), construction blasting for St. Luke's Interceptor Sewer & Force Main Contract 10-5 in Bethlehem Township, **Northampton County** with an expiration date of January 10, 2012. Permit issued: January 18, 2011.

36114105. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Riverview Estates in West Lampeter Township, **Lancaster County** with an expiration date of January 14, 2012. Permit issued: January 19, 2011.

46114102. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Southview in Lower Pottsgrove Township, **Montgomery County** with an expiration date of January 19, 2012. Permit issued: January 19, 2011.

58114001. John Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Craige Well Pad in Rush Township, **Susquehanna County** with an expiration date of April 30, 2011. Permit issued: January 20, 2011.

58114102. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Hollenbeck 1H Oil & Gas well in Franklin Township, **Susquehanna County** with an expiration date of January 14, 2012. Permit issued: January 21, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Regional Office: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-003 Anadarko E&P Company, LP, P. O. Box 1330, Houston, Texas 77251-1330, McHenry Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain a surface water withdrawal along Pine Creek (HQ-CWF) adjacent to Route 414 south of Jersey Mills (Jersey Mills Quadrangle 41° 21' 3.26"N 77° 24' 10.3"W). The proposed withdrawal will include a submersible pump with related materials set in the stream bed parallel to the direction of stream flow. The project will result in 264 square feet of stream impacts all for the purpose of obtaining water to use to develop multiple Marcellus Shale wells.

E4129-004 Anadarko E&P Company, LP, P. O. Box 1330, Houston, Texas 77251-1330, Mifflin Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain a surface water withdrawal along Second Fork Larry's Creek (EV) adjacent to Route 287 north of Salladasburg (Salladasburg, PA Quadrangle 41° 20' 11.26"N 77° 14' 36.28"W). The proposed withdrawal will include a submersible pump set in a wet well with related materials set in the stream bed. The project will result in 29 square feet of permanent stream and floodway impact, and 220 square feet of temporary stream and floodway impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

E5929-003: East Resources Management, LLC, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District. To construct and maintain:

(1) an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an unnamed tributary (UNT) to Towanda Creek (CWF) impacting 665 square feet (Ralston, PA Quadrangle 41° 36' 43.46"N 76° 54' 17.80"W);

(2) a temporary road crossing using a 20 foot long, 15 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines

crossing an UNT to Towanda Creek (CWF) impacting 694 square feet (Ralston, PA Quadrangle 41° 36' 59.73"N 76° 53' 59.28"W);

(3) a temporary road crossing using three 20 foot long, 24 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Towanda Creek (CWF) impacting 564 square feet (Ralston, PA Quadrangle 41° 37' 3.48"N 76° 53' 38.04"W);

(4) an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an unnamed tributary (UNT) to Lycoming Creek (HQ-CWF) impacting 866 square feet (Ralston, PA Quadrangle 41° 36' 10.31"N 76° 53' 53.43"W);

(5) a temporary road crossing using two 20 foot long, 24 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Towanda Creek (CWF) impacting 1,429 square feet (Ralston, PA Quadrangle 41° 37' 14.27"N 76° 53' 51.09"W);

(6) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Lycoming Creek (HQ-CWF) impacting 219 square feet (Ralston, PA Quadrangle 41° 37' 14.27"N 76° 53' 51.09"W);

(7) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 1,091 square feet (Ralston, PA Quadrangle 41° 36' 33.56"N 76° 54' 21.95"W);

(8) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 586 square feet (Ralston, PA Quadrangle 41° 36' 36.92"N 76° 54' 21.05"W);

(9) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 1,004 square feet (Ralston, PA Quadrangle 41° 36' 42.61"N 76° 54' 18.15"W);

(10) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 1,598 square feet (Ralston, PA Quadrangle 41° 37' 0.95"N 76° 53' 54.82"W);

(11) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 6,307 square feet (Ralston, PA Quadrangle 41° 37' 2.39"N 76° 53' 42.12"W);

(12) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 716 square feet (Ralston, PA Quadrangle 41° 36' 39.81"N 76° 54' 38.62"W);

(13) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 433 square feet (Ralston, PA Quadrangle 41° 37' 13.20"N 76° 54' 44.22"W);

(14) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,532 square feet (Ralston, PA Quadrangle 41° 36' 10.17"N 76° 53' 56.55"W);

(15) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,305 square feet (Ralston, PA Quadrangle 41° 36' 10.43"N 76° 53' 50.99"W);

(16) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,899 square feet (Ralston, PA Quadrangle 41° 36' 49.82"N 76° 55' 40.32"W);

(17) an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,899 square feet (Ralston, PA Quadrangle 41° 36' 50.52"N 76° 55' 41.04"W);

(18) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 559 square feet (Ralston, PA Quadrangle 41° 36' 51.47"N 76° 55' 38.69"W);

(19) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 3,991 square feet (Ralston, PA Quadrangle 41° 36' 52.65"N 76° 55' 37.37"W);

(20) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 558 square feet (Ralston, PA Quadrangle 41° 36' 59.89"N 76° 55' 37.37"W);

(21) an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 729 square feet (Ralston, PA Quadrangle 41° 37' 3.01"N 76° 55' 36.72"W);

(22) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 462 square feet (Ralston, PA Quadrangle 41° 36' 9.88"N 76° 55' 12.93"W);

(23) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a forested (PFO) wetland impacting 1,611 square feet (Ralston, PA Quadrangle 41° 36' 36.54"N 76° 54' 41.14"W).

The project will result in 115 linear feet of temporary stream impacts, a total of 28,341 square feet (0.66 acres) of temporary wetland impacts, and a total of 1,611 square feet (0.04 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E49-313. Shamokin-Coal Township Joint Sewer Authority, 114 Bridge Street, Shamokin, PA 17872-7690. Sewer Plant Upgrades, in Ralpho Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude: 40-48-54.3; Longitude: 76-35-0.5).

To construct, operate and maintain an at grade manhole along with a 24 inch connecting line from the existing facility. This manhole will connect to an existing discharge line and headwall works. The system will discharge to Shamokin Creek which carries a water quality designation of Warm Water Fishery. This project is located on bridge Street, 2.5 miles south of Paxinos on SR 61 at the Shamokin-Coal Township Joint Sewer Authority Waste Water Treatment Facility. This permit was issued under Section 105.13(e) "Small Projects."

E59-505. David K. Moyer, 623 Halteman Road, Souderton, PA 18964-2304. Water Obstruction and Encroachment Joint Permit, in Gaines Township, **Tioga County**, ACOE Susquehanna River Basin District (Marshlands, PA Quadrangle N: 41° 44' 22"; W: 77° 32' 19").

To construct and maintain 20 linear feet of metal arch pipe having a span of 103-inches and an underclearance of 71-inches over Lick Run (HQ-CWF). The culvert is located off Lick Run Road, 2.25 miles southwest of Rexford in Gaines Township, Tioga County. This project proposes to permanently impact 20 linear feet of Lick Run, which is designated a High Quality -Cold Water Fishery. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E03-452. Pennsylvania Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To construction and maintain a relocation of Whiskey Run in West Kittanning and East Franklin Township, **Armstrong County**, Pittsburgh ACOE District. (Kittanning, PA Quadrangle: N: 11.2 inches; W: 4.8 inches; Latitude: 40° 48' 43.7"; and Longitude: 79° 32' 5.4"). To construct and maintain a 380 ft relocation of Whiskey Run (WWF) with a drainage area of 1 square mile. Within the relocation one 101 ft long by 14 ft span by 8.5 ft high box culvert and one 132 ft long by 14 ft span by 7.5 ft high box culverts depressed one ft with baffles will be constructed and maintained. In addition one 57 ft long by 10 ft span by 8 ft high culvert shall be removed and the stream restored; and one 100 ft long by 6 ft high by 10 ft span box culvert shall be removed. In addition associated stormwater outfalls will be relocated to discharge into the new stream channel. Compensation for unavoidable impacts to Whiskey Run will be provided as 250 ft of stream bank stabilization on an unnamed tributary to Whiskey Run (WWF) located on private property 730 ft upstream of the project site. This project is associated with the SR 268 and SR 1038 (Butler Road) intersection improvement project located on the border between East Franklin and West Kittanning Townships.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E10-460. Cranberry Township, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. Parallel Sewer Interceptor Project, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 40', 48.96"; W: 80°, 6', 50.97").

Construct and maintain a 1.75 to 4.5-foot diameter interceptor sewer line approximately 25,000 foot long with 20 watercourse crossings of UNT's of Brush Creek, 10 watercourse crossings of Brush Creek, and 15 wetland crossings.

E10-462. Butler Area Sewer Authority, 100 Littman Road, Butler PA 16001, in the City of Butler, **Butler County** (Butler, PA Quadrangle N: 40°, 51', 30.7"; W: 79°, 53', 14.5") and (Butler, PA Quadrangle N: 40°, 51', 34.1"; W: 79°, 53', 21.1"), Pittsburgh ACOE

construct and maintain the following structures within the federal flood control project in Connoquenessing Creek in the City of Butler, Butler County: 1) a stormwater/sewage emergency overflow structure having a 1.5-foot diameter PVC outfall pipe and concrete endwall at the Monroe Equalization Tanks site approximately 240 feet southwest of the intersection East Cunningham Street and South Monroe Street; and a 2) a stormwater/sewage emergency overflow structure having a 2-foot diameter PVC outfall pipe and concrete endwall at the Monroe Pump Station site approximately 300 feet north-east of the intersection of McClain Avenue and South Monroe Street.

Northcentral Regional Oil and Gas Manager, 208 W. Third St., Suite 101, Williamsport, PA 17701

95-16-65420-007. Williams Production Appalachia, LLC and RW Gathering, LLC, 1000 Town Center, Suite 130, Canonsburg, PA 15317.

Project proposes to operate and maintain the Resource Recovery / Brown / Alder Run Property Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water, from the Resource Recovery Well Pad 1, Resource Recovery Well Pad 2, Resource Recovery Well Pad 3, and future wells in the area. (Karthaus, PA Quadrangle; Latitude: N 41° 1' 30.9", Longitude: W 78° 3' 35.3"), Snow Shoe Township, Centre County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-015-0001

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Wells Twp.

Receiving Stream(s) and Classification(s) Beckwith Creek,
UNT to Seeley Creek, Seeley Creek

ESCGP-1 # ESX10-015-0366

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main St

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Smithfield Twp.

Receiving Stream(s) and Classification(s) Buck Creek/
Apple Creek

ESCGP-1 # ESX10-015-0387

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main St

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Rome Twp.

Receiving Stream(s) and Classification(s) UNT to Parks
Creek/Parks Creek,

ESCGP-1 # ESX10-081-0108

Applicant Name Range Resources—Appalachia, LLC

Contact Person Carla Suszkowski

Address 380 Southpointe Blvd

City, State, Zip Canonsburg, PA 15317

County Lycoming

Township(s) Penn Twp.

Receiving Stream(s) and Classification(s) UNT to Sugar
Run and UNT to Gregs Run—both part of Muncy
Watershed

ESCGP-1 # ESX10-081-0110

Applicant Name Anadarko Marcellus Midstream, LLC

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251

County Lycoming

Township(s) McHenry Twp.

Receiving Stream(s) and Classification(s) Pine Cr, First
Big Fork, Miller Run, UNT to Miller Run

ESCGP-1 # ESX10-115-0080

Applicant Name Carrizo Marcellus, LLC

Contact Person Gary Byron

Address 251 Drain Lick Creek

City, State, Zip Drifting, PA 16834

County Susquehanna

Township(s) Forrest Lake Twp.

Receiving Stream(s) and Classification(s) (2) UNTs to
Middle Branch Wyalusing Creek

ESCGP-1 # ESX10-131-0040

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Wyoming

Township(s) Meshoppen Twp.

Receiving Stream(s) and Classification(s) UNT to
Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-015-0368

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Ulster Twp.

Receiving Stream(s) and Classification(s) Cash Creek,
UNT to Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-115-0079

Applicant Name Southwestern Energy Production Co

Contact Person Dave Sweeley

Address 181 W. Tioga St, STE 2

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) Lenox Twp.

Receiving Stream(s) and Classification(s) UNT to the East
Br. of the Tunkhannock Cr, Tunkhannock Cr

ESCGP-1 # ESX10-115-0078

Applicant Name Southwestern Energy Production Co

Contact Person Dave Sweeley

Address 181 W. Tioga St, STE 2

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) Lenox Twp.

Receiving Stream(s) and Classification(s) UNT to
Tunkhannock Cr, Susquehanna River

ESCGP-1 # ESX10-117-0267

Applicant Name East Resources Management, LLC

Contact Person Sylvie Tran

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Richmond Twp.

Receiving Stream(s) and Classification(s) UNT to Corey
Cr/Tioga River Basin, Corey Creek—Tioga River

ESCGP-1 # ESX10-131-0042

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Wyoming

Township(s) Lemon Twp.

Receiving Stream(s) and Classification(s) UNT TO
Meshoppen Cr, Upper Susquehanna

ESCGP-1 # ESX11-115-0002

Applicant Name Cabot Oil & Gas Corp.

Contact Person Jeffrey Keim

Address Five Penn Center W, Ste 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna

Township(s) Dimock Twp.

Receiving Stream(s) and Classification(s) Meshoppen Cr
and UNT to Meshoppen Creek

ESCGP-1 # ESG10-131-0035

Applicant Name Chief Gathering LLC

Contact Person Ted Wurfel

Address 6051 Wallace Rd Ext

City, State, Zip Wexford, PA 15090

County Susquehanna and Wyoming

Township(s) Lathrop Twp (Susquehanna Co.); Lemon &
Nicholson Twp

Receiving Stream(s) and Classification(s) E. Br Field Br,
UNT to Field Br, Field Br, UNT to Monroe Cr, Monroe
Cr, Meade Br, UNT to Horton Cr, Horton Cr, UNT to
Meshoppen Cr, Meshoppen Cr

ESCGP-1 # ESG10-105-0038
 Applicant Name Ultra Resources Inc
 Contact Person Erica Tokarz
 Address 5 East Avenue, #108
 City, State, Zip Wellsboro, PA 16901-1613
 County Potter
 Township(s) West Branch Twp.
 Receiving Stream(s) and Classification(s) Paul Hollow and
 Stone Hollow, S. Branch Pine Cr
*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-019-0054—Loretta M McCullough et al
 No. 1, 2H, 3H
 Applicant Name Phillips Exploration, Inc.
 Contact Person Gary A. Clark
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Buffalo
 Receiving Stream(s) and Classification(s) UNT of
 McDowell Run—TSF, McDowell Run—TSF,
 Bull Creek—TSF

SPECIAL NOTICES

Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grants

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Snyder	Snyder Co.	Plan Update Reimbursement	\$56,000
Southeast	Chester	Chester County	Plan Revision/Update	\$85,094.00

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

Permit Application to Conduct Mining Activities

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection, Moshannon District Mining Office. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Moshannon District Mining Office: Environmental Group Manager, 186 Enterprise Drive, Philipsburg, PA 16866, Telephone 814-342-8200.

SMP #14080103. RES Coal LLC, 224 Grange Hall Road. PO Box 228, Armagh, PA 15920

Application is for a proposed project located in Rush Township, Centre County and Woodward Township, Clearfield County and will involve the installation of a temporary stream crossing on Moshannon Creek, tributary to West Branch Susquehanna River. This will be a temporary crossing consisting of two 6-foot diameter pipes. Total area disturbed will be limited to 0.3 acres. The crossing will be removed upon completion of the mining operation and the crossing site reclaimed to the existing or better conditions.

The highest flow at Moshannon Creek near the crossing was 300+ gpm recorded on October 21, 2008. The lowest

flow was >250 gpm and was recorded on November 6, 2008. The stream is classified under 25 PA Code Chapter 93 as TSF. Chemical analysis of Point G reveals slightly net acidic water quality with elevated iron, manganese and sulfate concentration. This application also includes a request for Section 401 Water Quality Certification.

Written comments or objection on the permit application and the request for Section 401 water quality application may be submitted to the Department.

[Pa.B. Doc. No. 11-211. Filed for public inspection February 4, 2011, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee meeting scheduled for Thursday, February 17, 2011, has been cancelled. The next meeting is scheduled for Thursday, April 21, 2011, in Room 105, Rachel Carson State Office Building at 9:15 a.m. For information, contact Arleen Shulman at (717) 772-9495 or e-mail at ashulman@state.pa.us. The agenda and meeting materials for future meetings will be available through the Advisory Committee section of the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Connie Hartlaub at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-212. Filed for public inspection February 4, 2011, 9:00 a.m.]

Bid Opportunity

BOGM 10-4, Cleaning Out and Plugging Four Abandoned Oil Wells (Troy Raup, Mr. and Mrs. Ronald J. Matthews, Jr. and James E. Nelms properties), Sugarcreek Township, Venango County. The principle items of work include cleaning out and plugging four abandoned oil wells, estimated to be 1,000 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. This project issues on February 4, 2011, and bids will be opened on March 8, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on the prebid and this bid.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-213. Filed for public inspection February 4, 2011, 9:00 a.m.]

Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee meeting scheduled for February 9, 2011, has been cancelled. The next meeting is scheduled to occur on April 13, 2011, at 9:30 a.m. in Room 105, Department of Environmental Protection's (Department) Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the cancellation or the next scheduled meeting should be directed to Marcus Kohl at (717) 783-4693 or mkohl@state.pa.us. The agenda and meeting materials for the April 13, 2011, meeting will be available through the Advisory Committee section of the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at 800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-214. Filed for public inspection February 4, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of CH Hospital of Allentown—Brodheadsville MRI Suite for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Brodheadsville MRI Suite has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.4.4.4 (relating to handwashing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-215. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Easton Physical Therapy for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Easton Physical Therapy has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.7.8.2 (relating to patient toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-216. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Schoenersville MRI Suite for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Schoenersville MRI Suite has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.4.4.4 (relating to handwashing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-217. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of Community Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Community Medical Center has requested an

exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.1.4.3(2) (relating to observation unit space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-218. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.12 (relating to patient treatment area) and 2.2-2.2.2.1 (relating to private rooms).

This facility is also requesting an exception to 28 Pa. Code § 51.6 (relating to identification of personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-219. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of J C Blair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that J C Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-220. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of Pine Grove Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pine Grove Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-221. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of Surgical Center of York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgical Center of York has requested an exception to the requirements of 28 Pa. Code § 555.32(a) (relating to administration of anesthesia).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-222. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of Titusville Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Titusville Area Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-223. Filed for public inspection February 4, 2011, 9:00 a.m.]

Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2.5 (relating to handwashing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-224. Filed for public inspection February 4, 2011, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 153.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facilities specifically request exception from the following standard contained in this publication: 3.1-3.2.2.2 (relating to space requirements):

CH Hospital of Allentown—Brodheadsville Physician Office

CH Hospital of Allentown—Easton Physician Office
CH Hospital of Allentown—Highland Physician Office
CH Hospital of Allentown—Independence Physician Office
CH Hospital of Allentown—Physician Office
CH Hospital of Allentown—Schoenersville Physician Office

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-225. Filed for public inspection February 4, 2011, 9:00 a.m.]

Health Policy Board Annual Meeting Schedule for 2011

The Health Policy Board has set its calendar for the year 2011. The meeting dates are scheduled as follows:

April 20, 2011
July 20, 2011
October 19, 2011

All meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Linda Pavlesich at (717) 772-5298, V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

These meetings are subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-226. Filed for public inspection February 4, 2011, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 3, 2011,

from 10 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-227. Filed for public inspection February 4, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meetings Scheduled

State Transportation Advisory Committee

The State Transportation Advisory Committee will hold a meeting on Monday, February 7, 2011, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie at (717) 787-2913 or nritch@state.pa.us.

Motor Carrier Safety Advisory Committee

The Motor Carrier Safety Advisory Committee will hold a meeting on Thursday, February 17, 2011, from 12:30 p.m. to 3 p.m. at the Turnpike Commission Building, Middletown, PA. For more information, contact Ryan McNary at (717) 787-3656 or rymcnary@state.pa.us.

State Transportation Commission

The State Transportation Commission will hold a meeting on Thursday, February 24, 2011, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie at (717) 787-2913 or nritch@state.pa.us.

BARRY SCHOCH, P. E.,
Acting Secretary

[Pa.B. Doc. No. 11-228. Filed for public inspection February 4, 2011, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The February 15, 2011, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Tuesday, March 15, 2011, at 9:00 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA

17105. An agenda and meeting materials for the March 15, 2011, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 11-229. Filed for public inspection February 4, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Keystone Health Plan East; Medically Underwritten Individual HMO Options Rate Filing

Keystone Health Plan East requests approval to increase the rate for the Medically Underwritten Individual HMO Options. The requested rate increase is 6.9%. The proposed rate increase would affect approximately 26,000 existing members and would produce additional income of about \$4.1 million annually. The requested effective date of the change is July 1, 2011.

Unless formal administrative action is taken prior to April 21, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find ..." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Acting Insurance Commissioner

[Pa.B. Doc. No. 11-230. Filed for public inspection February 4, 2011, 9:00 a.m.]

Surplus Lines Agents and Interested Parties; Ex- port List of Insurance Coverages

In April 2010, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 40 Pa.B. 2203 (April 24, 2010). Accordingly, for those insurance coverages that are included on the export list, a diligent search among

insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, cbybee@state.pa.us. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on any proposed changes before formal publication of the revised list.

MICHAEL F. CONSEDINE,
Acting Insurance Commissioner

[Pa.B. Doc. No. 11-231. Filed for public inspection February 4, 2011, 9:00 a.m.]

PENNSYLVANIA COUNCIL ON AGING

2011 Meeting Dates

Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following meeting dates for the calendar year 2011:

February 23	(Wednesday)
April 20	(Wednesday)
June 8	(Wednesday)
September 7	(Wednesday)
December 7	(Wednesday)

Meetings of the Council will be held in the Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA. Meetings are from 9 a.m. to 2 p.m.

Persons with a disability who wish to attend the previously-listed meetings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact William White, Acting Executive Director at (717) 783-1550 to discuss how the Council may best accommodate their needs.

WILLIAM WHITE,
Acting Executive Director

[Pa.B. Doc. No. 11-232. Filed for public inspection February 4, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandon Rate GBM Service

A-2011-2221919. UGI Utilities, Inc.—Gas Division. Application of UGI Utilities, Inc.—Gas Division, for approval to abandon rate GBM service to 1809 West Broad Street, Quakertown.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 22, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: UGI Utilities, Inc.—Gas Division

Through and By Counsel: Mark C. Morrow, Esquire, Melanie J. Tambolas, Esquire, 460 North Gulph Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-233. Filed for public inspection February 4, 2011, 9:00 a.m.]

Purchase of Property

A-2011-2221869. Pike County Light and Power Company. Application of Pike County Light and Power Company for approval of the purchase of property located in Pike County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 22, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pike County Light and Power Company

Through and By Counsel: John J. Gallagher, Esquire, 711 Forrest Road, Harrisburg, PA 17112

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-234. Filed for public inspection February 4, 2011, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 22, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2011-2221398. Infinity Transportation Services, LLC (221 North Prince Street, Lancaster, Lancaster County, PA 17603), a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons in Group and Party 11-15 service, from points in the County of Lancaster to points in Pennsylvania, and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority.

A-2011-2221439. Infinity Transportation Services, LLC (221 North Prince Street, Lancaster, Lancaster County, PA 17603), a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons in Limousine service, from points in the County of Lancaster to points in Pennsylvania, and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority.

A-2011-2221819. Lambert Worldwide Services, LLC (6703 Germantown Avenue, Philadelphia, Philadelphia County, PA 19119-2109), for the right to begin to transport persons, in paratransit service, from points in the Counties of Philadelphia, Bucks, Delaware, Chester and Montgomery, to points in Pennsylvania, and return.

A-2011-2221920. First Aid and Safety Patrol of Lebanon, t/a First Aid and Safety Patrol (254 South 11th Street, Lebanon, Lebanon County, PA 17042)—a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Lebanon, Dauphin and Berks, to points in Pennsylvania and return. *Attorney:* Christina M. Mellott, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2011-2222094. John L. Yoder (519 Oliver Court, Belleville, PA 17004)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin, to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2011-2221930. Ronald Warren Bauer, Jr. (817 Oak Grove Road, Lehighton, Carbon County, PA 18235), for the discontinuance of service and cancellation of his Certificate of Public Convenience as a common carrier, by

motor vehicle, at A-00122188 authorizing the transportation of persons in paratransit service between points in the County of Carbon.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. United Taxi Company;
Doc. No. C-2010-2150673

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That United Taxi Company, Respondent, maintains its principal place of business at 250 Mercer Street, Phillipsburg, NJ 08865.

2. That, Respondent, was issued a certificate of public convenience by this Commission on June 30, 2008, at Application A-00123614.

3. That, on March 30, 2009, Eastern Regional Manager David W. Loucks was unable to contact Respondent, by telephone, to arrange for a vehicle inspection. A certified letter was mailed, on March 31, 2009, requiring Respondent to contact the Commission to submit to an annual taxicab inspection by a Commission Enforcement Officer. The certified mail was returned by the U.S. Post Office on April 27, 2009 as not deliverable as addressed and unable to forward.

4. That, as of November 1, 2010, respondent has failed to contact the Commission, and has failed to have an annual taxicab inspection.

5. Pursuant to 66 Pa.C.S. § 506, duly authorized officers of the Pennsylvania Public Utility Commission have power and authority to inspect, inquire, and investigate all property, records, books, papers, accounts, and documents, of any public utility, whenever necessary, in carrying out their duties.

6. Pursuant to 66 Pa.C.S. § 1103, the Commission is responsible for ensuring that public utilities hold certificates of public convenience for the convenience, safety, accommodation and service of the public. Pursuant to 52 Pa. Code § 41.14(b), the Commission may withhold granting a carrier authority to operate if it is demonstrated that the carrier lacks a propensity to operate safely and legally. Respondent has demonstrated and convinced the Bureau of Transportation and Safety that it should not have the right to continue as a public utility. Therefore, for the safety of the public, the Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty for this violation is the cancellation of Respondent's Certificate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke United Taxi Company certificate of public convenience at A-00123614 for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA. 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience. In such case, the Bureau of Transportation and Safety will request that the Commission direct the Department of Transportation, pursuant to the Vehicle Code, 75 Pa.C.S. § 1375, to suspend the registration of any vehicle(s) involved in the alleged violations.

C. If you file an answer, which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

D. If you file an Answer, which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. If you have questions regarding this Complaint, or if you would like an alternative format of the Complaint (for persons with disabilities), please contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Akwasi Abisah;
Doc. No. C-2010-2193440*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Akwasi Abisah (respondent) is under suspension effective August 17, 2010, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5340 Manayunk Road, Apt A, Harrisburg, PA 17105.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 03, 2008, at A-899900.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-899900 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$500 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-235. Filed for public inspection February 4, 2011, 9:00 a.m.]

Telecommunications

A-2011-2221418. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Wireless. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Wireless for approval of amendment No. 1 to the commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Wireless, by its counsel, filed on January 20, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-236. Filed for public inspection February 4, 2011, 9:00 a.m.]

Transfer of Tangible Property

A-2011-2221891. Veolia Energy Philadelphia, Inc. Application of Veolia Energy Philadelphia, Inc. for approval of the transfer of tangible property used or useful in the public service under 66 Pa.C.S. § 1102(a)(3) (relating to enumeration of acts requiring certificate), which is filed in conjunction with the previously filed affiliated interest agreement at G-2010-2193998, pertaining to the lease of a currently unused portion of a building owned by Veolia Energy Philadelphia, Inc. to its affiliate, Veolia Energy Efficiency (PA), LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant, on or before February 14, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Veolia Energy Philadelphia, Inc.

Through and By Counsel: Barnett Satinsky, Esquire, Fox Rothschild, LLP, 2000 Market Street, 20th Floor, Philadelphia, PA 19103-3222

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-237. Filed for public inspection February 4, 2011, 9:00 a.m.]

STATE POLICE

Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and excep-

tions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

WatchGuard 4RE Mobile Video Recorder, WatchGuard, Plano, Texas.

DVM-500 Plus and DVM-750 Mobile Video Recorders, Digital Ally, Overland Park, Kansas.

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. FRANK NOONAN,
Acting Commissioner

[Pa.B. Doc. No. 11-238. Filed for public inspection February 4, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78]

Oil and Gas Wells

The Environmental Quality Board (Board) amends Chapter 78 (relating to oil and gas wells) to read as set forth in Annex A.

Properly constructed and operated oil and gas wells are critical to protecting water supplies and public safety. If a well is not properly cased and cemented, natural gas in subsurface formations may potentially migrate from the wellbore through bedrock and soil. This stray gas may adversely affect water supplies, as well as accumulate in or adjacent to structures such as residences and water wells. Under certain conditions, stray gas has the potential to cause a fire or explosion. These situations present a serious threat to public health and safety as well as the environment. The purpose of this final-form rulemaking is to improve drilling, casing, cement, testing, monitoring and plugging requirements for oil and gas wells to minimize gas migration and protect water supplies.

The final-form rulemaking differs from the proposed rulemaking in several important respects. The differences reflect the concerns raised by the regulated community and the public, resulting in improved regulations. The changes to the final-form rulemaking strengthen well design requirements to prevent gas migration incidents.

The significant revisions to the final-form rulemaking include the following: the addition of a provision that requires operators to have a pressure barriers plan to minimize well control events; the addition of a provision that requires operators to keep a list of emergency contact phone numbers at the well site; amended provisions that clarify how and when blow-out prevention equipment is to be installed and operated; the addition of a provision that requires operators to condition the wellbore to ensure an adequate bond between the cement, casing and the formation; the addition of provisions that require the use of centralizers to ensure that casings are properly positioned in the wellbore; the addition of a provision that improves the quality of the cement placed in the casing that protects fresh groundwater; the addition of provisions that specify the actions an operator shall take in the event of a gas migration incident; and revisions to the reporting requirements for chemicals used to hydraulically fracture a well.

This order was adopted by the Board at its meeting of October 12, 2010.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Scott R. Perry, Director, Bureau of Oil and Gas Management, Rachel Carson State Office Building, 5th Floor, P. O. Box 8765, Harrisburg, PA 17105-8461, (717) 772-2199; or Elizabeth A. Nolan, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box

8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

C. Statutory Authority

The final-form rulemaking is being made under the authority of section 604 of the Oil and Gas Act (act) (58 P. S. § 601.604), which directs the Board to adopt regulations necessary to implement the act, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20). Section 1917-A of The Administrative Code of 1929 authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition that is declared to be a nuisance by any law administered by the Department. Section 1920-A of The Administrative Code of 1929 authorizes the Board to promulgate regulations of the Department.

D. Background of the Amendments

Many of the regulations governing well construction and water supply replacement were promulgated in July 1989 and remained largely unchanged until this final-form rulemaking. Since that time, recent advances in drilling technology have attracted interest in producing natural gas from the Marcellus Shale, a rock formation that underlies approximately 2/3 of this Commonwealth. New well drilling and completion practices now employed to extract natural gas from the Marcellus Shale and other similar shale formations in this Commonwealth, as well as several recent incidents of contaminated drinking water caused by traditional and Marcellus Shale wells resulted in the Department's decision to reevaluate the existing well construction requirements.

It was determined that the existing regulations were not specific enough in detailing the Department's expectations of a properly cased and cemented well, especially in light of the new techniques used by Marcellus Shale operators. The Department also determined that the existing regulations did not address the need for an immediate response by operators to a gas migration complaint and did not require routine inspection of existing wells by the operator.

The final-form rulemaking contains revised design, construction, operational, monitoring, plugging, water supply replacement and hydraulic fracturing reporting requirements. The final-form rulemaking also provides material specifications and performance testing to ensure the proper casing, cementing and operation of a well. Additionally, the final-form rulemaking contains new provisions that require routine inspection of wells and outline the actions an operator and the Department will take in the event of a gas migration incident.

The proposed rulemaking was published at 40 Pa.B. 3845 (July 10, 2010). The public comment period closed on August 9, 2010. In addition, five public hearings were held: July 19, 2010, in Tunkhannock, PA; July 21, 2010, in Williamsport, PA; July 22, 2010, in Meadville, PA; July 22, 2010, in Pittsburgh, PA; and July 26, 2010, in Pittsburgh, PA.

Prior to recommending that the proposed regulations be offered to the Board, the Oil and Gas Technical Advisory Board (TAB) formed a technical subcommittee with repre-

sentatives from various companies, trade groups and consultants to review and provide comments on the proposed rulemaking. The Department met with TAB and the technical subcommittee on October 28, 2009, January 14, 2010, January 21, 2010 and March 25, 2010.

The Department presented the draft final-form rulemaking to the TAB on September 16, 2010. During this discussion, TAB members made several recommendations regarding the definition of "unconventional formations," use of blow-out preventers, cementing the intermediate casing, producing gas off the intermediate casing and the actions the operator shall take when it loses circulation of cement. At the conclusion of the meeting, TAB members were neither able to endorse nor disapprove the rulemaking and instead expressed an interest in having the TAB subcommittee review the amendments to the final-form rulemaking.

E. Summary of Comments and Responses

The Board received approximately 2,000 comments regarding the proposed oil and gas well casing and cementing regulations during the public hearings and public comment period. Many of the comments received sought clarification or additional protective measures. The majority of comments were supportive of the proposed rulemaking.

Several commentators made suggestions seeking to clarify the definition of "deepest fresh groundwater," including suggesting that the term be defined with reference to certain levels of total dissolved solids (TDS) ranging from 500 to 10,000 mg/l TDS. The Board appreciated these comments, but decided that numerical criteria should not be used to define deepest fresh groundwater because many water supplies provide water that exceed the 500 mg/l drinking water standard, but 10,000 mg/l is far too saline for drinking water supplies in this Commonwealth. It is critical that the casing be set deep enough to isolate usable water supplies but not so deep that brine be permitted to come into contact with fresh groundwater. It is also important to recognize that testing water produced during drilling will not yield accurate test results. For these reasons, the final-form rulemaking has been amended to require operators to identify how the deepest fresh groundwater was determined and record the information in the casing and cementing plan.

Many commentators sought clarification regarding the provisions that require an operator who affects a water supply to restore or replace the affected water supply with an alternate supply adequate in quantity and quality for the purposes served by the supply. The amendments to § 78.51 (relating to protection of water supplies) reflect the Department's interpretation of an adequate alternate water supply according to recent case law.

Several commentators suggest that all replaced or restored water should meet safe drinking water standards. The Board deems a supply adequate if it meets safe drinking water standards or is comparable to the unaffected water supply if that water supply didn't meet those standards.

A commentator was uncertain about who would determine reasonable foreseeable uses. The regulation states that it is the duty of the Department to determine if the operator is in compliance with this subsection.

Additionally, several commentators were concerned that § 78.51(h) did not provide a timely response for affected water supplies. The Board agrees and amends § 78.51(h) to require operators to notify the Department within 24

hours of receiving a report that a water supply has been affected by pollution or diminution caused by drilling activities.

Several commentators objected to the provisions that would allow the use of used pipe. The Board considers used casing to be acceptable in certain applications, notably in low pressured shallow oil wells that do not produce gas. In these instances, used casing has been utilized successfully and has been shown to be suitable for long-term use in these applications. All used casing, however, is subject to the casing integrity requirement in § 78.84(b) (relating to casing standards), as well as new requirements for pressure testing in § 78.84(c).

Many commentators suggested amendments to § 78.85(b) (relating to cement standards) that would require a 72-hour compressive strength standard of at least 1,200 psi across critical zones of cement at the bottom of the casing seat where the highest pressures and stresses are likely to be encountered and in places where the well bore passes through aquifers and drinking water. The Board agrees and amended § 78.85(b) to require a zone of critical cement at the surface casing seat which must achieve a 72-hour compressive strength of 1,200 psi and have a free-water separation of no more than 6 milliliters per 250 milliliters of cement.

Several commentators suggest that the cement ticket include testing of pH, temperature and a record of the wait on cement time. The Board agrees and the regulation has been revised accordingly.

Some commentators objected to the quarterly mechanical integrity inspections required under § 78.88(a) (relating to mechanical integrity of operating wells), arguing that the requirement is excessive. While several commentators believed that quarterly inspections were not enough, other commentators supported the quarterly inspection requirements in § 78.88(a). The Board decided that quarterly inspections are sufficient to ensure that well pressures are within allowable limits and the casing is structurally sound. The Board does not consider quarterly mechanical integrity testing to be excessive. Rather, the inspections provide the operator an opportunity to correct problems at the well before the problems create a condition that will require significant time and expense to address. The Board also determined that required evaluation of the well does not include invasive procedures.

Several commentators made suggestions to § 78.89 (relating to gas migration response), regarding gas migration response requirements, including a provision requiring immediate notification to the Department. The Board agrees and amended the final-form rulemaking to require the operator to immediately conduct an investigation and contact the Department.

Commentators suggested that operators conduct an initial response action to determine the nature of the incident, assess the potential for hazards to public health and safety and mitigate any hazard posed by the concentration of stray natural gas in the environment. Commentators suggested that the investigation include a site visit and an interview of the complainant. Commentators suggested that the actions that an operator shall take in the event of a reported gas migration incident be delineated by the concentration of combustible gas detected in the investigation. Commentators also suggested other additional investigation and mitigation measures that operators should be required to take, including a field survey, the collection of gas or water, or both, samples, the establishment of monitoring locations, and an evaluation of the operator's adjacent wells. Commentators also

suggested certain reporting requirements following a reported gas migration incident. The Board agrees with many of the commentators suggestions and revised § 78.89. These changes largely follow the commentators' suggestions. The revisions also require continued monitoring of gas migration complaints when the levels of dissolved methane in the water supply exceed 7 milligrams per liter. This level is based on 25% of the capacity of water to contain dissolved methane under one atmosphere of pressure. This number is much more certain and scientifically based than the unknown "background" level proposed by the commentator.

Commentators suggested that the information required in the completion report's stimulation record be expanded to require more specific information, including information regarding the chemical additives used and the chemicals listed in the operator's Material Safety Data Sheets by Chemical Abstract Number. Other commentators object to requirements that require operators to submit confidential information and suggest that the issue of confidentiality be addressed in § 78.122 (relating to well record and completion report). The Board expanded the stimulation record requirements in § 78.122(b)(6) to include the Chemical Abstract Number for each Material Safety Data Sheet-listed hydraulic fracturing chemical used, as well as the percent (by volume) of each listed chemical used. The Board also amended this subsection allowing the designation of confidential or trade secret information. The Department will prevent disclosure of the designated confidential information to the extent permitted under the Right-to-Know Law (65 P.S. §§ 67.101—67.3103).

F. Summary of Final Form Regulation and Changes from Proposed to Final Form Rulemaking

§ 78.1. Definitions

Section 78.1 amends the definitions of the following terms to improve clarity or to explain new or existing provisions: "casing seat," "cement" and "surface casing." Section 78.1 also adds definitions for the following terms to explain new or existing provisions within Chapter 78: "cement job log," "conductor pipe" and "intermediate casing."

The final-form rulemaking amends the following definitions in response to public comment to improve clarity: "casing seat," "cement job log," "intermediate casing" and "surface casing."

The definition of the term "retrievable" has been deleted. The substantive portion of the term has been added to the appropriate plugging regulations.

Definitions for "L.E.L" and "unconventional formations" have also been added to § 78.1.

§ 78.51. Protection of water supplies

The act requires an operator who affects a water supply by pollution or diminution as a result of gas or oil well drilling to restore or replace the affected water supply. Section 78.51 reflects current case law regarding an operator's duty to replace or restore a water supply.

Section 78.51(d)(2) provides that a restored or replaced water supply must meet safe drinking water standards. If the precontamination water supply did not meet safe drinking water standards, the operator shall restore or replace the contaminated water supply with a supply that is comparable to the water supply that existed prior to contamination.

Section 78.51(d)(1)(v) requires the operator to provide permanent payment for any increased cost to operate or

maintain the restored or replaced water supply. Section 78.51(d)(3)(i) and (ii) clarifies that the replaced or restored water supply must be able to satisfy the water user's needs.

The final-form rulemaking modifies proposed § 78.51(d) to provide uniform terms and add clarity and amends § 78.51(h) in response to public comment, providing that an operator who receives notice that a water supply has been affected by pollution or diminution shall notify the Department within 24 hours of receiving that notice.

§ 78.52. Predrilling or prealteration survey

Section 78.52(d) provides that an operator shall provide the Department and the landowner or water purveyor with the results of their predrilling survey within 10 business days of receiving the survey results. The final-form rulemaking establishes that survey results not received within 10 days may not be used to preserve the operator's defenses under section 208(d)(1) of the act (58 P.S. § 601.208(d)(1)).

§ 78.55. Control and disposal plan

Final-form § 78.55(b) establishes that an operator's control and disposal plan must include a pressure barrier policy identifying the pressure barriers to be used during identified well drilling and completion operations. Final-form § 78.55(e) provides that an operator's control and disposal plan must also contain a list of emergency contact phone numbers and that this list shall also be displayed at the well site.

Final-form § 78.55(d) establishes that an operator's control and disposal plan shall be available at the well site during well drilling and completion operations.

§ 78.71. Use of safety devices—well casing

Section 78.71(a) clarifies that the well control equipment must be attached to casing that is cemented in place.

§ 78.72. Use of safety devices—blow-out prevention equipment

Final-form § 78.72(a) clarifies when blow-out equipment shall be used. The final-form rulemaking specifies that blow-out equipment shall be used when drilling a well intending to produce from an unconventional formation and when drilling out solid core hydraulic fracturing plugs to complete a well.

Section 78.72(c) establishes that controls for the blow-out preventer shall be accessible in case of an emergency. Final-form § 78.72(c) specifies that controls for a blow-out preventer with a high pressure rating must be located at least 50 feet away from the drilling rig to assure accessibility in the event of loss of well control.

Section 78.72(f) is amended to clarify when drilling shall cease when blow-out prevention equipment is discovered to be in poor working order.

Final-form § 78.72(h) establishes that an individual with specified certifications shall be at the well site when blow-out prevention equipment is being used and that those certifications shall be available at the well site.

The final-form rulemaking adds § 78.72(i) to establish that pressure barriers must be comprised of at least two mechanical pressure barriers between the open producing formation and the atmosphere. Additionally, these mechanical pressure barriers must be capable of being tested according to the manufacturers' specifications prior to operation. Moreover, if the operator has only one pressure

barrier, operations shall cease until additional pressure barriers are added or repaired and tested.

Final-form § 78.72(j) establishes that a hydraulic workover unit shall be used during postcompletion cleanout operations in unconventional formations.

The final-form rulemaking specifies that intermediate casing must be cemented to surface, and now allows blow-out preventers to be attached to surface casing without regard to its length.

§ 78.73. General provision for well construction and operation

Section 78.73(a) and (b) further clarifies that the well shall be constructed and operated in a manner that protects public health and safety and the environment.

Final-form § 78.73(c) reduces the allowable pressure that may be exerted on the surface and coal protective casing seats. The final-form rulemaking clarifies how to calculate the pressure that must not be exceeded on the surface and coal protective casings. The final-form rulemaking specifies that the pressure on the surface or coal protective casing seats is determined by measuring the surface shut-in pressure and the surface producing back pressure exerted on the surface or coal protective casing.

Section 78.73(e) is added to require excess gas encountered during drilling to be flared, captured or diverted away from the drilling rig. Section 78.73(f) is added to require check flow valves that prevent backflow from the pipelines into the well.

§ 78.75a. Area of alternative methods

The act provides that the Department may approve alternative methods for the casing, plugging or equipping of a well. New § 78.75a establishes procedures by which the Department may on its own initiative designate an area of alternative methods—an area that requires alternative drilling, casing, equipping or plugging methods to operate the well in a safe and environmentally protective manner. Establishing an area requires notice in the *Pennsylvania Bulletin* and an opportunity for the public to comment.

§ 78.81. General provisions

Section 78.81(c), which stated that certain sections of the chapter did not apply to production or intermediate casings, is deleted to reflect new casing requirements.

§ 78.82. Use of conductor pipe

Final-form § 78.82 clarifies that conductor pipe is used to stabilize the top hole of a well and shall be driven into place or cemented from the seat to the surface to prevent the infiltration of water or other fluids into the subsurface.

§ 78.83. Surface and coal protective casing and cementing procedures

Section 78.83(a) prohibits the use of surface casing as production casing and requires an additional string of casing to be installed in a well unless the well is only used to produce oil that does not present a threat to groundwater or if the operator of a gas well demonstrates that all gas and fluids will be contained in the well and installs a working pressure gauge that can be inspected by the Department.

The final-form rulemaking deletes § 78.83(c), which gave operators the ability to drill to producing zones prior to isolating the fresh groundwater under certain circumstances, and adds new § 78.83(c) to require the use of air or freshwater based fluids when drilling through the

fresh groundwater zone. Additionally, final-form § 78.83(c) specifies that the surface casing must be set 50 feet below the deepest fresh groundwater or at least 50 feet into consolidated rock, but not more than 200 feet below the deepest fresh groundwater unless necessary to set the casing in consolidated rock. The final-form rulemaking also establishes that the wellbore shall be conditioned prior to cementing.

The final-form rulemaking amends § 78.83(c), (f), (g) and (i) to mandate the use of centralizers to position the surface casing, coal protective casing and any additional fresh groundwater casings in the wellbore. Subsections (f) and (i) have been further amended to require the additional water string to be cemented to the surface as opposed to 20 feet into the surface or coal protective casing.

§ 78.83a. Casing and cementing plan

Section 78.83a establishes that operators shall develop a casing and cementing plan that is available for the Department to review at the well site. The plan must describe the casing to be used and the cementing practices to be employed. The Department may request a copy of the plan for review and approval prior to drilling.

The final-form rulemaking amends § 78.83a(a)(1) and (6) to specify that the operator shall include in its casing and cementing plan the method or information by which the depth of the deepest fresh groundwater was determined and the proposed wellbore conditioning procedures.

§ 78.83b. Casing and cementing—lost circulation

Section 78.83b(a), added on proposed rulemaking, requires operators to notify the Department when cement used to protect fresh groundwater is not returned to the surface despite pumping more than 120% of the estimated required volume. If cement is not returned to the surface, the operator shall determine the top of the cement and additional casing must be run and cemented, unless the well only produces oil off a vented production pipe if approved by the Department. Final-form § 78.83b(a)(1) clarifies what the operator shall do when this happens and what additional measures must be taken.

The final-form rulemaking adds § 78.83b(b) to provide that, in the event of lost circulation, the operator may, in addition to the requirements in § 78.83a(a), pump additional cement through a pour string from the surface to fill the annular space.

§ 78.83c. Intermediate and production casing

Section 78.83c, added on proposed rulemaking, specifies the cementing requirements for intermediate and production casing and establishes the pressure limitation for wells that produce gas off the annulus of the intermediate casing string.

The final-form rulemaking adds new § 78.83c(a) to require the intermediate and production borehole to be prepared prior to cementing.

The final-form rulemaking amends § 78.83c(b) to mandate the use of centralizers when cementing the intermediate casing and requires the intermediate casing to be cemented to the surface.

The final-form rulemaking amends § 78.83c(c) to mandate the use of centralizers when cementing the production casing and further specifies how much cement must be used to cement production casing.

§ 78.84. *Casing standards*

The substantial amendments to § 78.84 require specified pressure ratings or pressure testing for different types of casings. Final-form § 78.84(d)(3) clarifies the certification requirements for a person welding casing.

Final-form § 78.84(f) clarifies that if the casing attached to the blow-out preventer has a pressure rating of greater than 3,000 psi, it shall be pressure tested after it is cemented. To pass this pressure test, the casing must be able to hold the anticipated maximum pressure to which the casing will be exposed for 30 minutes with not more than a 10% decrease.

§ 78.85. *Cement standards*

Section 78.85 provides additional standards for well casing cement, as well as references to ASTM International and American Petroleum Institute standards.

The final-form rulemaking amends § 78.85(a)(4) and deletes proposed § 78.85(a)(5), clarifying that cement must protect the casing from corrosion and degradation, including that the cement used for coal protective casing must be formulated to withstand elevated sulfate concentrations in the surrounding wellbore. New § 78.85(a)(5) specifies that gas block additives and low fluid loss slurries shall be used in areas of known shallow gas producing zones.

The final-form rulemaking amends § 78.85(b) by adding requirements regarding surface casing cement. This subsection specifies that the cement at the bottom 300 feet of the surface casing constitutes a zone of critical cement, meaning that the cement in this zone must achieve a 72-hour compressive strength of 1,200 psi and the free water separation must not be more than 6 milliliters per 250 milliliters of cement.

The final-form rulemaking amends § 78.85(c) by clarifying the actions that are prohibited during the mandatory 8-hour wait time on the cement for all casings.

Final-form § 78.85(f) specifies the information that must be included in the operator's cement job log.

§ 78.88. *Mechanical integrity of operating wells*

Section 78.88, added on proposed rulemaking, requires operators to inspect their wells at least quarterly for signs of physical degradation in addition to determining whether the pressure in the well is within allowable limits. Wells that fail inspection shall be attended to immediately and the Department shall be notified.

§ 78.89. *Gas migration response*

Section 78.89 is substantially amended in the final-form rulemaking to specify the actions an operator shall take in the event of a gas migration incident. Final-form § 78.89(a) requires an operator to conduct an investigation immediately after it is notified or otherwise made aware of a potential gas migration incident to assess the nature of the incident, assess any potential hazards and mitigate any hazards. Final-form § 78.89(b) specifies that the investigation shall consist of a site visit, an interview of the complainant, a field survey and, if necessary, monitoring locations shall be established. If the operator detects a high concentration of combustible gas inside a building or structure, final-form § 78.89(c) establishes that the operator shall immediately notify the Department and local emergency response agencies, initiate mitigation measures and conduct further investigation and monitoring of the surrounding area.

Final-form § 78.89(d) specifies that if sustained detectable concentrations of combustible gas are detected at

certain specified levels, the operator shall notify the Department and take measures to ensure public health and safety. If the operator conducts an investigation and is not required to take the measures specified in § 78.89(c) or (d), § 78.89(f) requires the operator to conduct additional monitoring, document its findings and submit a report.

The final-form rulemaking adds § 78.89(e) to establish that the Department may require the operator to take additional investigative and monitoring measures in the event of a reported natural gas migration incident. Final-form § 78.89(g)—(i) provides additional notification and reporting requirements.

§§ 78.92—78.95

Sections 78.92—78.95 incorporate the substantive requirements of the deleted definition of “retrievable” along with requiring an additional attempt to remove uncemented casing prior to plugging a well. The revised sections also require cement to be placed across the formerly producing formation as opposed to placing the cement plug on top of the formation as is the current requirement.

§ 78.96. *Marking the location of a plugged well*

Section 78.96(a) permits the use of materials other than cement and metal to mark and hold a marker for a plugged well.

§ 78.121. *Production reporting*

Section 78.121 incorporates the requirements of the act of March 22, 2010 (P. L. 169, No. 15) (Act 15), which mandates semiannual production reporting of Marcellus Shale wells. In § 78.121(a), the dates are amended to reflect the requirements in Act 15. Because Act 15 also requires the Department to post the production of Marcellus Shale wells on the Department's web site, § 78.121(b) is amended to require that the production reports be submitted electronically.

§ 78.122. *Well record and completion report*

Section 78.122(a)(10) requires the operator to certify that the well has been properly constructed. The final-form rulemaking amends § 78.122(b)(6) to require the operator to submit additional information in its completion report's stimulation record, including a descriptive list of the chemical additives used in the stimulation fluid, the percent by volume of those chemical additives, a list of the hazardous chemicals used in the stimulation fluid, the percent by volume of those hazardous chemicals, the total volume or water used and a list of the water sources used under an approved water management plan. Final-form § 78.122(c) provides that a well operator may designate any trade secrets or confidential proprietary information in the completion report and the Department will prevent disclosure of confidential information to the extent permitted by the Right-to-Know Law. Additionally, § 78.122(d) specifies that the operator shall maintain records of every chemical used to hydraulically fracture the well and provide those records to the Department upon request.

G. *Benefits, Costs and Compliance*

Benefits

Both the residents of this Commonwealth and the regulated community will benefit from this final-form rulemaking.

The public will benefit in several ways. The updated casing and cementing requirements will provide an increased degree of protection for homeowners and both

public and private water supplies. The construction standards will align the Commonwealth's regulations with other states' rules as well as current industry standards. Pressure testing the casing and testing surface casing seats will detect construction deficiencies before a well could create a potential safety or environmental problem. Minimizing annular pressure will reduce the potential for gas migration. The new quarterly inspections and annual reporting will be a vital tool for operators to use in detecting potential safety or environmental impacts before they may become an issue. The final-form rulemaking also outlines the procedures the operator and the Department will utilize if there is a reported gas migration incident.

The new construction standards and the well remediation measures will far outweigh the liability to the operator from the potential impacts to public safety and harm to the environment from gas migration or from polluting water resources that may result without these additional precautions. As new areas of this Commonwealth are developed for natural gas, this final-form rulemaking will avoid many potential health, safety and environmental issues.

Compliance Costs

This final-form rulemaking will impose minimal additional cost on the Department. This final-form rulemaking will help the Department offset potential health, safety and environmental issues.

The Department finds that most gas migration issues stem from inadequate cementing procedures, cement returns or combinations of inadequate casing and cementing or over-pressured casing seats. Because many of the Marcellus Shale well operators meet or exceed the current well casing and cementing regulations, any increased cost associated with drilling and operating oil and gas wells will be minimal. All of the potential increases in cost to an operator will be associated with assuring a well is properly completed, operated and plugged.

The potential increase in cost is minor when compared to the overall cost of well construction. When cement is not returned to the surface or when excessive pressure is placed on the surface casing seat, the regulations require the operator to install an additional string of casing. The construction cost for the additional string of casing is about \$10,000 per well.

Some commentators questioned the Department's estimate for the additional string of casing, stating that the cost of an additional casing string is much more than \$10,000 per well and is more likely on the order of \$300,000 to \$500,000 per well, depending on depth and area. The commentators stated that if the additional string of casing is justified from a technical standpoint, then it is the correct course of action. The final-form rulemaking does not provide a technical justification for an additional casing string.

The added expense described by the commentators does not apply to situations when cement is not returned to the surface. When production casing is run and set on a packer or casing is set 50 feet deeper than the surface casing, the Department's estimate is sound. Instead, the scenario described more directly relates to the Board's decision to prohibit operators from comingling fresh groundwater with brine by setting very deep surface casing. By setting deep surface casing, operators avoid using deeper intermediate casing and costly cement and cementing practices.

The proposed casing design advocated by the commentators has resulted in several recent gas migration cases in this Commonwealth. These gas migration cases threaten the lives and safety of the citizens of this Commonwealth. The Board did not consider the expense of an intermediate string of casing when it crafted the regulations because the casing design advocated by the commentator results in an unlawful condition. Prohibiting gas migration is the cornerstone of these regulations and compromising on the issue to save money on a necessary string of casing is not acceptable.

Used casing, welded casing and casing attached to a blow-out preventer must be pressure tested to demonstrate its ability to withstand the highest anticipated working pressures to which the casing will be exposed. If the casing fails this test, the operator shall repair or replace the casing and ultimately pass the pressure test. The cost to repair or replace the defective casing is completely outweighed by the environmental damage that would result from a failed string of casing and the fact that the casing would still need to be repaired or replaced.

The typical cost to develop a Marcellus Shale well is around \$5,000,000. The additional cost of compliance would only be approximately 0.2% of the overall cost to develop a Marcellus Shale well.

The typical cost to develop a shallow gas well is \$250,000 and the typical cost to develop an oil well is \$200,000. In either situation, the additional cost of compliance would only be approximately 4% to 5% of the overall cost of the well.

All of the additional measures reduce the potential for gas migration. If an operator fails to prevent a pollution event of a water supply, the anticipated cost to permanently replace one private water supply would be approximately \$4,000 to drill a new water well or \$30,000 to provide and permanently pay for a treatment system.

Compliance Assistance Plan

The Department worked extensively with representatives from the regulated community and leaders the several trade organizations. The requirements of this final-form rulemaking are, therefore, well known.

The Department, however, scheduled several training sessions for the regulated community to address the Department's regulatory requirements. The Department will use these training sessions as an opportunity to further educate the industry about the new requirements.

Paperwork Requirements

The annual well inspection report, the semiannual production report mandated by Act 15 for operators of Marcellus Shale wells and the additional information required in the completion report will require submittal of two additional forms and additional information on an existing form. The results of gas migration investigations will also require additional reporting obligations.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of

energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking incorporates the following pollution prevention provisions and incentives:

This final-form rulemaking will minimize gas migration and provide an increased degree of protection for both public and private water supplies by updating material specifications and performance testing as well as adding more specific design, construction, operational and monitoring requirements. The plugging, water supply replacement and gas migrations reporting regulations have been amended to ensure that public safety and groundwater are protected.

I. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 25, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 3845, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 17, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 18, 2010, and approved the final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 3845.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

L. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 78 are amended by amending §§ 78.1, 78.51, 78.52, 78.55, 78.71—78.73, 78.76, 78.81, 78.82, 78.83, 78.84, 78.85, 78.92—78.96, 78.121 and 78.122; and by

adding §§ 78.75a, 78.83a, 78.83b, 78.83c, 78.88 and 78.89 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The amendment of § 78.55 was not included in the proposed rulemaking at 40 Pa.B. 3845.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 7000 (December 4, 2010).)

Fiscal Note: Fiscal Note 7-459 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 78. OIL AND GAS WELLS

Subchapter A. GENERAL PROVISIONS

§ 78.1. Definitions.

(a) The words and terms defined in section 103 of the act (58 P. S. § 601.103), section 2 of the Coal and Gas Resource Coordination Act (58 P. S. § 502), section 2 of the Oil and Gas Conservation Law (58 P. S. § 402), section 103 of the Solid Waste Management Act (35 P. S. § 6018.103) and section 1 of The Clean Stream Law (35 P. S. § 691.1), have the meanings set forth in those statutes when the terms are used in this chapter.

(b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Casing seat—The depth to which casing is set.

Cement—A mixture of materials for bonding or sealing that attains a 7-day maximum permeability of 0.01 millidarcies and a 24-hour compressive strength of at least 500 psi in accordance with applicable standards and specifications.

Cement job log—A written record that documents the actual procedures and specifications of the cementing operation.

* * * * *

Conductor pipe—A short string of large-diameter casing used to stabilize the top of the wellbore in shallow unconsolidated formations.

* * * * *

Intermediate casing—A string of casing set after the surface casing and before production casing, not to include coal protection casing, that is used in the wellbore to isolate, stabilize or provide well control.

* * * * *

L.E.L.—Lower explosive limit.

* * * * *

Reportable release of brine—Spilling, leaking, emitting, discharging, escaping or disposing of one of the following:

(i) More than 5 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is equal or greater than 10,000 mg/l.

(ii) More than 15 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is less than 10,000 mg/l.

Seasonal high groundwater table—The saturated condition in the soil profile during certain periods of the year. The condition can be caused by a slowly permeable layer within the soil profile and is commonly indicated by the presence of soil mottling.

* * * * *

Surface casing—A string or strings of casing used to isolate the wellbore from fresh groundwater and to prevent the escape or migration of gas, oil or other fluids from the wellbore into fresh groundwater. The surface casing is also commonly referred to as the water string or water casing.

* * * * *

Unconventional formations—Formations that typically produce gas through the use of enhanced drilling or completion technologies such as the Rhinestreet, Burket, Marcellus, Mandata and Utica Shale formations, or other formations identified by the Department.

* * * * *

Subchapter C. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 78.51. Protection of water supplies.

(a) A well operator who affects a public or private water supply by pollution or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply as determined by the Department.

(b) A landowner, water purveyor or affected person suffering pollution or diminution of a water supply as a result of drilling, altering or operating an oil or gas well may so notify the Department and request that an investigation be conducted. The notice and request must include the following:

- (1) The name, address and telephone number of the person requesting the investigation.
- (2) The type, location and use of the water supply.
- (3) Available background quality and quantity data regarding the water supply, if known.
- (4) Well depth, pump setting and water level, if known.

(5) A description of the pollution or diminution.

(c) Within 10 days of the receipt of the investigation request, the Department will investigate the claim and will, within 45 days of receipt of the request, make a determination. If the Department finds that pollution or diminution was caused by the drilling, alteration or operation activities or if it presumes the well operator responsible for polluting the water supply of the landowner or water purveyor under section 208(c) of the act (58 P. S. § 601.208(c)), the Department will issue orders to the well operator necessary to assure compliance with this section.

(d) A restored or replaced water supply includes any well, spring, public water system or other water supply approved by the Department, which meets the criteria for adequacy as follows:

(1) *Reliability, cost, maintenance and control.* A restored or replaced water supply, at a minimum, must:

- (i) Be as reliable as the previous water supply.
- (ii) Be as permanent as the previous water supply.
- (iii) Not require excessive maintenance.

(iv) Provide the water user with as much control and accessibility as exercised over the previous water supply.

(v) Not result in increased costs to operate and maintain. If the operating and maintenance costs of the restored or replaced water supply are increased, the operator shall provide for permanent payment of the increased operating and maintenance costs of the restored or replaced water supply.

(2) *Quality.* The quality of a restored or replaced water supply will be deemed adequate if it meets the standards established under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), or is comparable to the quality of the water supply before it was affected by the operator if that water supply did not meet these standards.

(3) *Adequate quantity.* A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following as determined by the Department:

(i) It delivers the amount of water necessary to satisfy the water user's needs and the demands of any reasonably foreseeable uses.

(ii) It is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water user's needs and the demands of any reasonably foreseeable uses.

(iii) For purposes of this paragraph and with respect to agricultural water supplies, the term reasonably foreseeable uses includes the reasonable expansion of use where the water supply available prior to drilling exceeded the actual use.

(4) *Water source serviceability.* Replacement of a water supply includes providing plumbing, conveyance, pumping or auxiliary equipment and facilities necessary for the water user to utilize the water supply.

(e) If the water supply is for uses other than human consumption, the operator shall demonstrate to the Department's satisfaction that the restored or replaced water supply is adequate for the purposes served by the supply.

(f) Tank trucks or bottled water are acceptable only as temporary water replacement for a period approved by

the Department and do not relieve the operator of the obligation to provide a restored or replaced water supply.

(g) If the well operator and the water user are unable to reach agreement on the means for restoring or replacing the water supply, the Department or either party may request a conference under section 501 of the act (58 P. S. § 601.501).

(h) A well operator who receives notice from a landowner, water purveyor or affected person that a water supply has been affected by pollution or diminution, shall report receipt of notice from an affected person to the Department within 24 hours of receiving the notice.

§ 78.52. Predrilling or prealteration survey.

(a) A well operator who wishes to preserve its defense under section 208(d)(1) of the act (58 P. S. § 601.208 (d)(1)) that the pollution of a water supply existed prior to the drilling or alteration of the well shall conduct a predrilling or prealteration survey in accordance with this section.

(b) A person who wishes to document the quality of a water supply to support a future claim that the drilling or alteration of the well affected the water supply by pollution may conduct a predrilling or prealteration survey in accordance with this section.

(c) The survey shall be conducted by an independent certified laboratory. A person independent of the well owner or well operator, other than an employee of the certified laboratory, may collect the sample and document the condition of the water supply, if the certified laboratory affirms that the sampling and documentation is performed in accordance with the laboratory's approved sample collection, preservation and handling procedure and chain of custody.

(d) An operator electing to preserve its defenses under section 208(d)(1) of the act shall provide a copy of the results of the survey to the Department and the landowner or water purveyor within 10-business days of receipt of the results. Test results not received by the Department within 10 business days may not be used to preserve the operator's defenses under section 208(d)(1) of the act.

(e) The report describing the results of the survey must contain the following information:

(1) The location of the water supply and the name of the surface landowner or water purveyor.

(2) The date of the survey, and the name of the certified laboratory and the person who conducted the survey.

(3) A description of where and how the sample was collected.

(4) A description of the type and age, if known, of the water supply, and treatment, if any.

(5) The name of the well operator, name and number of well to be drilled and permit number if known.

(6) The results of the laboratory analysis.

(f) A well operator who wishes to preserve the defense under section 208(d)(2) of the act that the landowner or water purveyor refused the operator access to conduct a survey shall confirm the desire to conduct this survey and that access was refused by issuing notice to the person by certified mail, or otherwise document that access was refused. The notice must include the following:

(1) The operator's intention to drill or alter a well.

(2) The desire to conduct a predrilling or prealteration survey.

(3) The name of the person who requested and was refused access to conduct the survey and the date of the request and refusal.

(4) The name and address of the well operator and the address of the Department, to which the water purveyor or landowner may respond.

§ 78.55. Control and disposal plan.

(a) Prior to generation of waste, the well operator shall prepare and implement a plan under § 91.34 (relating to activities utilizing pollutants) for the control and disposal of fluids, residual waste and drill cuttings, including tophole water, brines, drilling fluids, additives, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids and drill cuttings from the drilling, alteration, production, plugging or other activity associated with oil and gas wells.

(b) The plan must identify the control and disposal methods and practices utilized by the well operator and be consistent with the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and §§ 78.54, 78.56—78.58 and 78.60—78.63. The plan must also include a pressure barrier policy that identifies barriers to be used during identified operations.

(c) The operator shall revise the plan prior to implementing a change to the practices identified in the plan.

(d) A copy of the plan shall be provided to the Department upon request and shall be available at the well site during drilling and completion activities for review.

(e) A list of emergency contact phone numbers for the area in which the well site is located must be included in the plan and be prominently displayed at the well site during drilling, completion or alteration activities.

Subchapter D. WELL DRILLING, OPERATION AND PLUGGING
GENERAL

§ 78.71. Use of safety devices—well casing.

(a) The operator shall equip the well with one or more strings of casing of sufficient cemented length and strength to attach proper well control equipment and prevent blowouts, explosions, fires and casing failures during installation, completion and operation.

(b) The operator shall determine the amount and type of casing to be run and the amount and type of cement to be used in accordance with current prudent industry practices and engineering. In making the determinations, the operator shall consider the following:

(1) Successful local practices for similar wells.

(2) Maximum anticipated surface pressure.

(3) Collapse resistance.

(4) Tensile strength.

(5) Chemical environment.

(6) Potential mechanical damage.

(7) Manufacturing standards, including American Petroleum Institute or equivalent specifications for pipe used in wells drilled below the Onondaga formation or where blow-out preventers are required.

§ 78.72. Use of safety devices—blow-out prevention equipment.

(a) The operator shall use blow-out prevention equipment after setting casing with a competent casing seat in the following circumstances:

(1) When drilling a well that is intended to produce natural gas from an unconventional formation.

(2) When drilling out solid core hydraulic fracturing plugs to complete a well.

(3) When well head pressures or natural open flows are anticipated at the well site that may result in a loss of well control.

(4) When the operator is drilling in an area where there is no prior knowledge of the pressures or natural open flows to be encountered.

(5) On wells regulated by the Oil and Gas Conservation Law (58 P. S. §§ 401–419).

(6) When drilling within 200 feet of a building.

(b) Blow-out prevention equipment used must be in good working condition at all times.

(c) Controls for the blow-out preventer shall be accessible to allow actuation of the equipment. Additional controls for a blow-out preventer with a pressure rating of greater than 3,000 psi, not associated with the rig hydraulic system, shall be located at least 50 feet away from the drilling rig so that the blow-out preventer can be actuated if control of the well is lost.

(d) The operator shall use pipe fittings, valves and unions placed on or connected to the blow-out prevention systems that have a working pressure capability that exceeds the anticipated pressures.

(e) The operator shall conduct a complete test of the ram type blow-out preventer and related equipment for both pressure and ram operation before placing it in service on the well. The operator shall test the annular type blow-out preventer in accordance with the manufacturer's published instructions, or the instructions of a professional engineer, prior to the device being placed in service. Blow-out prevention equipment that fails the test may not be used until it is repaired and passes the test.

(f) When the equipment is in service, the operator shall visually inspect blow-out prevention equipment during each tour of drilling operation and during actual drilling operations test the pipe rams for closure daily and the blind rams for closure on each round trip. When more than one round trip is made in a day, one daily closure test for blind rams is sufficient. Testing shall be conducted in accordance with American Petroleum Institute publication API RP53, "API Recommended Practice for Blowout Prevention Equipment Systems for Drilling Wells," or other procedure approved by the Department. The operator shall record the results of the inspection and closure test in the drillers log before the end of the tour. If blow-out prevention equipment is not in good working order, drilling shall cease when cessation of drilling can be accomplished safely and not resume until the blow-out prevention equipment is repaired or replaced and retested.

(g) All lines, valves and fittings between the closing unit and the blow-out preventer stack must be flame resistant and have a rated working pressure that meets or exceeds the requirements of the blow-out preventer system.

(h) When a blowout preventer is installed or required under subsection (a), there shall be present on the well site an individual with a current certification from a well control course accredited by the International Association of Drilling Contractors or other organization approved by the Department. The certification shall be available for review at the well site. The Department will maintain a list of approved accrediting organizations on its web site.

(i) Well drilling and completion operations requiring pressure barriers, as identified by the operator under § 78.55(b) (relating to control and disposal plan), shall employ at least two mechanical pressure barriers between the open producing formation and the atmosphere that are capable of being tested. The mechanical pressure barriers shall be tested according to manufacturer specifications prior to operation. If during the course of operations the operator only has one functioning barrier, operations must cease until additional barriers are added and tested or the redundant barrier is repaired and tested. Stripper rubber or a stripper head may not be considered a barrier.

(j) A coiled tubing rig or a hydraulic workover unit with appropriate blowout prevention equipment must be employed during post completion cleanout operations in horizontal unconventional formations.

(k) The minimum amount of intermediate casing that is cemented to the surface to which blow-out prevention equipment may be attached, shall be in accordance with the following:

<i>Proposed Total Vertical Depth (in feet)</i>	<i>Minimum Cemented Casing Required (in feet of casing cemented)</i>
Up to 5,000	400
5,001 to 5,500	500
5,501 to 6,000	600
6,001 to 6,500	700
6,501 to 7,000	800
7,001 to 8,000	1,000
8,001 to 9,000	1,200
9,001 to 10,000	1,400
Deeper than 10,000	1,800

(l) Upon completion of the drilling operations at a well, the operator shall install and utilize equipment, such as a shut-off valve of sufficient rating to contain anticipated pressure, lubricator or similar device, as may be necessary to enable the well to be effectively shut-in while logging and servicing the well and after completion of the well.

§ 78.73. General provision for well construction and operation.

(a) The operator shall construct and operate the well in accordance with this chapter and ensure that the integrity of the well is maintained and health, safety, environment and property are protected.

(b) The operator shall prevent gas, oil, brine, completion and servicing fluids, and any other fluids or materials from below the casing seat from entering fresh groundwater, and shall otherwise prevent pollution or diminution of fresh groundwater.

(c) After a well has been completed, recompleted, reconditioned or altered the operator shall prevent surface shut-in pressure and surface producing back pressure

inside the surface casing or coal protective casing from exceeding the following pressure: 80% multiplied by 0.433 psi per foot multiplied by the casing length (in feet) of the applicable casing.

(d) After a well has been completed, recompleted, reconditioned or altered, if the surface shut-in pressure or surface producing back pressure exceeds the pressure as calculated in subsection (c), the operator shall take action to prevent the migration of gas and other fluids from lower formations into fresh groundwater. To meet this standard the operator may cement or install on a packer sufficient intermediate or production casing or take other actions approved by the Department. This section does not apply during testing for mechanical integrity in accordance with State or Federal requirements.

(e) Excess gas encountered during drilling, completion or stimulation shall be flared, captured or diverted away from the drilling rig in a manner that does not create a hazard to the public health or safety.

(f) Except for gas storage wells, the well must be equipped with a check valve to prevent backflow from the pipelines into the well.

§ 78.75a. Area of alternative methods.

(a) The Department may designate an area of alternative methods if the Department determines that well drilling requirements beyond those provided in this chapter are necessary to drill, operate or plug a well in a safe and environmentally protective manner.

(b) To establish an area of alternative methods, the Department will publish a notice in the *Pennsylvania Bulletin* of the proposed area of alternative methods and provide the public with an opportunity to comment on the proposal. After reviewing any comments received on the proposal, the Department will publish a final designation of the area and required alternative methods in the *Pennsylvania Bulletin*.

(c) Wells drilled within an area of alternative methods established under subsection (b) must meet the requirements specified by the Department unless the operator obtains approval from the Department to drill, operate or plug the well in a different manner that is at least as safe and protective of the environment as the requirements of the area of alternative methods.

§ 78.76. Drilling within a gas storage reservoir area.

(a) An operator proposing to drill a well within a gas storage reservoir area or a reservoir protective area to produce gas or oil shall forward by certified mail a copy of the well location plat, the drilling, casing and cementing plan and the anticipated date drilling will commence to the gas storage reservoir operator and to the Department for approval by the Department and shall submit proof of notification to the gas storage reservoir operator to the Department with the well permit application.

(b) The storage operator may file an objection with the Department to the drilling, casing and cementing plan or the proposed well location within 15 days of receipt of the notification and request a conference in accordance with section 501 of the act (58 P. S. § 601.501).

CASING AND CEMENTING

§ 78.81. General provisions.

(a) The operator shall conduct casing and cementing activities under this section and §§ 78.82—78.87 or an approved alternate method under § 78.75 (relating to

alternative methods). The operator shall case and cement a well to accomplish the following:

- (1) Allow effective control of the well at all times.
- (2) Prevent the migration of gas or other fluids into sources of fresh groundwater.
- (3) Prevent pollution or diminution of fresh groundwater.
- (4) Prevent the migration of gas or other fluids into coal seams.

(b) The operator shall drill through fresh groundwater zones with diligence and as efficiently as practical to minimize drilling disturbance and commingling of groundwaters.

§ 78.82. Use of conductor pipe.

If the operator installs conductor pipe in the well, the following provisions apply:

- (1) The operator may not remove the pipe;
- (2) Conductor pipe shall be installed in a manner that prevents the subsurface infiltration of surface water or fluids by either driving the pipe into place or cementing the pipe from the seat to the surface;

(3) Conductor pipe must be made of steel unless a different material is approved for use by the Department.

§ 78.83. Surface and coal protective casing and cementing procedures.

(a) For wells drilled, altered, reconditioned or recompleted after February 5, 2011, surface casing or any casing functioning as a water protection casing may not be utilized as production casing unless one of the following applies:

- (1) In oil wells where the operator does not produce any gas generated by the well and the annulus between the surface casing and the production pipe is left open.
- (2) The operator demonstrates that the pressure in the well is no greater than the pressure permitted under 78.73(c) (relating to general provision for well construction and operation), demonstrates through a pressure test or other method approved by the Department that all gas and fluids will be contained within the well, and installs a working pressure gauge that can be inspected by the Department.

(b) If the well is to be equipped with threaded and coupled casing, the operator shall drill a hole so that the diameter is at least 1 inch greater than the outside diameter of the casing collar to be installed. If the well is to be equipped with plain-end welded casing, the operator shall drill a hole so that the diameter is at least 1 inch greater than the outside diameter of the casing coupling.

(c) The operator shall drill to approximately 50 feet below the deepest fresh groundwater or at least 50 feet into consolidated rock, whichever is deeper, and immediately set and permanently cement a string of surface casing to that depth. Except as provided in subsection (f), the surface casing may not be set more than 200 feet below the deepest fresh groundwater except if necessary to set the casing in consolidated rock. The surface hole shall be drilled using air, freshwater, or freshwater-based drilling fluid. Prior to cementing, the wellbore shall be conditioned to ensure an adequate cement bond between the casing and the formation. The surface casing seat shall be set in consolidated rock. When drilling a new well or redrilling an existing well, the operator shall install at least one centralizer within 50 feet of the casing

seat and then install a centralizer in intervals no greater than every 150 feet above the first centralizer.

(d) The operator shall permanently cement the surface casing by placing the cement in the casing and displacing it into the annular space between the wall of the hole and the outside of the casing.

(e) Where potential oil or gas zones are anticipated to be found at depths within 50 feet below the deepest fresh groundwater, the operator shall set and permanently cement surface casing prior to drilling into a stratum known to contain, or likely containing, oil or gas.

(f) If additional fresh groundwater is encountered in drilling below the permanently cemented surface casing, the operator shall document the depth of the fresh groundwater zone in the well record and protect the additional fresh groundwater by installing and cementing a subsequent string of casing or other procedures approved by the Department to completely isolate and protect fresh groundwater. The string of casing may also penetrate zones bearing salty or brackish water with cement in the annular space being used to segregate the various zones. Sufficient cement shall be used to cement the casing to the surface. The operator shall install at least one centralizer within 50 feet of the casing seat and then install a centralizer in intervals no greater than, if possible, every 150 feet above the first centralizer.

(g) The operator shall set and cement a coal protective string of casing through workable coal seams. The base of the coal protective casing shall be at least 30 feet below the lowest workable coal seam. The operator shall install at least two centralizers. One centralizer shall be within 50 feet of the casing seat and the second centralizer shall be within 100 feet of the surface.

(h) Unless an alternative method has been approved by the Department in accordance with § 78.75 (relating to alternative methods), when a well is drilled through a coal seam at a location where the coal has been removed or when a well is drilled through a coal pillar, the operator shall drill to a depth of at least 30 feet but no more than 50 feet deeper than the bottom of the coal seam. The operator shall set and cement a coal protection string of casing to this depth. The operator shall equip the casing with a cement basket or other similar device above and as close to the top of the coal seam as practical. The bottom of the casing must be equipped with an appropriate device designed to prevent deformation of the bottom of the casing. The interval from the bottom of the casing to the bottom of the coal seam shall be filled with cement either by the balance method or by the displacement method. Cement shall be placed on top of the basket between the wall of the hole and the outside of the casing by pumping from the surface. If the operator penetrates more than one coal seam from which the coal has been removed, the operator shall protect each seam with a separate string of casing that is set and cemented or with a single string of casing which is stage cemented so that each coal seam is protected as described in this subsection. The operator shall cement the well to isolate workable coal seams from each other.

(i) If the operator sets and cements casing under subsection (g) or (h) and subsequently encounters additional fresh groundwater zones below the deepest cemented casing string installed, the operator shall protect the fresh groundwater by installing and cementing another string of casing or other method approved by the Department. Sufficient cement shall be used to cement the casing to the surface. The additional casing string

may also penetrate zones bearing brackish or salt water, but shall be run and cemented prior to penetrating a zone known to or likely to contain oil or gas. The operator shall install at least one centralizer within 50 feet of the casing seat and then, if possible, install a centralizer in intervals no greater than every 150 feet above the first centralizer.

(j) If it is anticipated that cement used to permanently cement the surface casing cannot be circulated to the surface a cement basket may be installed immediately above the depth of the anticipated lost circulation zone. The casing shall be permanently cemented by the displacement method. Additional cement may be added above the cement basket, if necessary, by pumping through a pour string from the surface to fill the annular space. Filling the annular space by this method does not constitute permanently cementing the surface or coal protective casing under § 78.83b (relating to casing and cementing-lost circulation).

§ 78.83a. Casing and cementing plan.

(a) The operator shall prepare and maintain a casing and cementing plan showing how the well will be drilled and completed. The plan must demonstrate compliance with this subchapter and include the following information:

(1) The anticipated depth and thickness of any producing formation, expected pressures, anticipated fresh groundwater zones and the method or information by which the depth of the deepest fresh groundwater was determined.

(2) The diameter of the borehole.

(3) Casing type, whether the casing is new or used, depth, diameter, wall thickness and burst pressure rating.

(4) Cement type, yield, additives, and estimated amount.

(5) The estimated location of centralizers.

(6) The proposed borehole conditioning procedures.

(7) Alternative methods or materials as required by the Department as a condition of the well permit.

(b) The plan shall be available at the well site for review by the Department.

(c) Upon request, the operator shall provide a copy of the well-specific casing and cementing plan to the Department for review and approval.

(d) Revisions to the plan made as a result of onsite modification shall be documented in the plan and be available for review by the Department. The person making the revisions to the plan shall initial and date the revisions.

§ 78.83b. Casing and cementing—lost circulation.

(a) If cement used to permanently cement the surface or coal protective casing is not circulated to the surface despite pumping a volume of cement equal to or greater than 120% of the calculated annular space, the operator shall determine the top of the cement, notify the Department, and meet one of the following requirements as approved by the Department:

(1) Run an additional string of casing at least 50 feet deeper than the string where circulation was lost and cement the additional string of casing back to the seat of the string where circulation was lost and vent the annulus of the additional casing string to the atmosphere at all times unless closed for well testing or maintenance. Shut-in pressure on the casing seat of the additional

string of casing may not exceed the requirements of § 78.73(c) (relating to intermediate and production casing).

(2) Run production casing and set the production casing on a packer in a competent formation below the string where circulation was lost and vent the annulus of the production casing to the atmosphere at all times unless closed for well testing or maintenance.

(3) Run production casing at least to the top of the formation that is being produced and cement the production casing to the surface.

(4) Run intermediate and production casing and cement both strings of casing to the surface.

(5) Produce oil but not gas and leave the annulus between the surface casing and the production pipe open.

(b) In addition to meeting the requirements of subsection (a), the operator may also pump additional cement through a pour string from the surface to fill the annular space.

§ 78.83c. Intermediate and production casing.

(a) Prior to cementing the intermediate and production casing, the borehole, mud and cement shall be conditioned to ensure an adequate cement bond between the casing and the formation.

(b) If the well is to be equipped with an intermediate casing, centralizers shall be used and the casing shall be cemented to the surface by the displacement method. Gas may be produced off the intermediate casing if a shoe test demonstrates that all gas will be contained within the well and a relief valve is installed at the surface that is set less than the shoe test pressure. The shoe test pressure shall be recorded in the completion report.

(c) Except as provided in § 78.83 (relating to surface and coal protective casing and cementing procedures), each well must be equipped with production casing. The production string may be set on a packer or cemented in place. If the production casing is cemented in place, centralizers shall be used and cement shall be placed by the displacement method with sufficient cement to fill the annular space to a point at least 500 feet above true vertical depth or at least 200 feet above the uppermost perforations, whichever is greater.

§ 78.84. Casing standards.

(a) The operator shall install casing that can withstand the effects of tension, and prevent leaks, burst and collapse during its installation, cementing and subsequent drilling and producing operations.

(b) Except as provided in subsection (c), all casing must be a string of new pipe with an internal pressure rating that is at least 20% greater than the anticipated maximum pressure to which the casing will be exposed.

(c) Used casing may be approved for use as surface, intermediate or production casing but shall be pressure tested after cementing and before continuation of drilling. A passing pressure test is holding the anticipated maximum pressure to which it will be exposed for 30 minutes with not more than a 10% decrease in pressure.

(d) New or used plain end casing, except when being used as conductor pipe, that is welded together for use must meet the following requirements:

(1) The casing must pass a pressure test by holding the anticipated maximum pressure to which the casing will be exposed for 30 minutes with not more than a 10% decrease in pressure. The operator shall notify the De-

partment at least 24 hours before conducting the test. The test results shall be entered on the drilling log.

(2) The casing shall be welded using at least three passes with the joint cleaned between each pass.

(3) The casing shall be welded by a person trained and certified in the applicable American Petroleum Institute, American Society of Mechanical Engineers, American Welding Society or equivalent standard for welding casing and pipe or an equivalent training and certification program as approved by the Department. The certification requirements of this paragraph shall take effect August 5, 2011. A person with 10 or more years of experience welding casing as of February 5, 2011, who registers with the Department by November 7, 2011, is deemed to be certified.

(e) When casing through a workable coal seam, the operator shall install coal protective casing that has a minimum wall thickness of 0.23 inch.

(f) Casing which is attached to a blow-out preventer with a pressure rating of greater than 3,000 psi shall be pressure tested after cementing. A passing pressure test must be holding the anticipated maximum pressure to which the casing will be exposed for 30 minutes with not more than a 10% decrease. Certification of the pressure test shall be confirmed by entry and signature of the person performing the test on the driller's log.

§ 78.85. Cement standards.

(a) When cementing surface casing or coal protective casing, the operator shall use cement that meets or exceeds the ASTM International C 150, Type I, II or III Standard or API Specification 10. The cement must also:

(1) Secure the casing in the wellbore.

(2) Isolate the wellbore from fresh groundwater.

(3) Contain any pressure from drilling, completion and production.

(4) Protect the casing from corrosion from, and degradation by, the geochemical, lithologic and physical conditions of the surrounding wellbore. For wells employing coal protective casing, this includes, but is not limited to, formulating cement to withstand elevated sulfate concentrations and other geochemical constituents of coal and associated strata which have the potential to adversely affect the integrity of the cement.

(5) Prevent gas flow in the annulus. In areas of known shallow gas producing zones, gas block additives and low fluid loss slurries shall be used.

(b) After the casing cement is placed behind surface casing, the operator shall permit the cement to set to a minimum designed compressive strength of 350 pounds per square inch (psi) at the casing seat. The cement placed at the bottom 300 feet of the surface casing must constitute a zone of critical cement and achieve a 72-hour compressive strength of 1,200 psi and the free water separation may be no more than 6 milliliters per 250 milliliters of cement. If the surface casing is less than 300 feet, the entire cemented string constitutes a zone of critical cement.

(c) After any casing cement is placed and cementing operations are complete, the casing may not be disturbed for a minimum of 8 hours by doing any of the following:

(1) Releasing pressure on the cement head within 4 hours of cementing if casing equipment check valves did not hold or casing equipment was not equipped with check valves. After 4 hours, the pressure may be released

at a continuous, gradual rate over the next four hours provided the floats are secure.

(2) Nippling up on or in conjunction to the casing.

(3) Slacking off by the rig supporting the casing in the cement sheath.

(4) Running drill pipe or other mechanical devices into or out of the wellbore with the exception of a wireline used to determine the top of cement.

(d) Where special cement or additives are used, the operator may request approval from the Department to reduce the cement setting time specified in subsection (d).

(e) The operator shall notify the Department a minimum of 1 day before cementing of the surface casing begins, unless the cementing operation begins within 72 hours of commencement of drilling.

(f) A copy of the cement job log shall be available at the well site for inspection by the Department during drilling operations. The cement job log must include the mix water temperature and pH, type of cement with listing and quantity of additive types, the volume, yield and density in pounds per gallon of the cement and the amount of cement returned to the surface, if any. Cementing procedural information must include a description of the pumping rates in barrels per minute, pressures in pounds per square inch, time in minutes and sequence of events during the cementing operation.

(g) The cement job log shall be maintained by the operator after drilling operations for at least 5 years and be made available to the Department upon request.

OPERATING WELLS

§ 78.88. Mechanical integrity of operating wells.

(a) Except for wells regulated under Subchapter H (relating to underground gas storage) and wells that have been granted inactive status, the operator shall inspect each operating well at least quarterly to ensure it is in compliance with the well construction and operating requirements of this chapter and the act. The results of the inspections shall be recorded and retained by the operator for at least 5 years and be available for review by the Department and the coal owner or operator.

(b) At a minimum, inspections must determine:

(1) The well-head pressure or water level measurement.

(2) The open flow on the annulus of the production casing or the annulus pressure if the annulus is shut in.

(3) If there is evidence of gas escaping from the well and the amount escaping, using measurement or best estimate of quantity.

(4) If there is evidence of progressive corrosion, rusting or other signs of equipment deterioration.

(c) For structurally sound wells in compliance with § 78.73(c) (relating to surface and coal protective casing and cementing procedure), the operator shall follow the reporting schedule outlined in subsection (e).

(d) For wells exhibiting progressive corrosion, rusting or other signs of equipment deterioration that compromise the integrity of the well, or the well is not in compliance with § 78.73(c), the operator shall immediately notify the Department and take corrective actions to repair or replace defective equipment or casing or mitigate the excess pressure on the surface casing seat or coal protective casing seat according to the following hierarchy:

(1) The operator shall reduce the shut-in or producing back pressure on the casing seat to achieve compliance with § 78.73(c).

(2) The operator shall retrofit the well by installing production casing to reduce the pressure on the casing seat to achieve compliance with § 78.73(c). The annular space surrounding the production casing must be open to the atmosphere. The production casing shall be either cemented to the surface or installed on a permanent packer. The operator shall notify the Department at least 7 days prior to initiating the corrective measure.

(3) Additional mechanical integrity tests, including, but not limited to, pressure tests, may be required by the Department to demonstrate the integrity of the well.

(e) The operator shall submit an annual report to the Department identifying the compliance status of each well with the mechanical integrity requirements of this section. The report shall be submitted on forms prescribed by, and available from, the Department or in a similar manner approved by the Department.

§ 78.89. Gas migration response.

(a) When an operator or owner is notified of or otherwise made aware of a potential natural gas migration incident, the operator shall immediately conduct an investigation of the incident. The purpose of the investigation is to determine the nature of the incident, assess the potential for hazards to public health and safety, and mitigate any hazard posed by the concentrations of stray natural gas.

(b) The investigation undertaken by the operator under subsection (a) must include, but not be limited to, the following:

(1) A site visit and interview with the complainant to obtain information about the complaint and to assess the reported natural gas migration incident.

(2) A field survey to assess the presence and concentrations of natural gas and aerial extent of the stray natural gas.

(3) If necessary, establishment of monitoring locations at potential sources, in potentially impacted structures, and the subsurface.

(c) If combustible gas is detected inside a building or structure at concentrations equal to or greater than 10% of the L.E.L., the operator shall do the following:

(1) Immediately notify the Department, local emergency response agency, gas and electric utility companies, police and fire departments and, in conjunction with the Department and local emergency response agencies, take measures necessary to ensure public health and safety.

(2) Initiate mitigation measures necessary to control and prevent further migration.

(3) Implement the additional investigation and mitigation measures as provided in subsection (e)(1)–(5).

(d) The operator shall notify the Department and, in conjunction with the Department, take measures necessary to ensure public health and safety, if sustained detectable concentrations of combustible gas satisfy any of the following:

(1) Greater than 1% and less than 10% of the L.E.L., in a building or structure.

(2) Equal to or greater than 25% of the L.E.L. in a water well head space.

(3) Detectable in the soils.

(4) Equal to or greater than 7 mg/l dissolved methane in water.

(e) The Department may require the operator to take the following additional actions:

(1) Conduct a field survey to assess the presence and concentrations of combustible gas and the areal extent of the combustible gas in the soils, surface water bodies, water wells, and other potential migration pathways.

(2) Collect gas or water, or both, samples at a minimum for molecular and stable carbon and hydrogen isotope analyses from the impacted locations such as water wells, and from potential sources of the migration such as gas wells.

(3) Conduct an immediate evaluation of the operator's adjacent oil or gas wells to determine well cement and casing integrity and to evaluate the potential mechanism of migration. This evaluation may include assessing pressures for all casing intervals, reviewing records for indications of defective casing or cement, application of cement bond logs, ultrasonic imaging tools, geophysical logs, and other mechanical integrity tests as required. The initial area of assessment must include wells within a radius of 2,500 feet and may be expanded if required by the Department.

(4) Take action to correct any defect in the oil and gas wells to mitigate the stray gas incident.

(5) Establish monitoring locations and monitoring frequency in consultation with the Department at potential sources, in potentially impacted structures, and the subsurface.

(f) If concentrations of stray natural gas as defined in subsection (c) or (d) are not detected, the operator shall notify the Department, and do the following if requested by the Department:

(1) Conduct additional monitoring.

(2) Document findings.

(3) Submit a closure report.

(g) If concentrations of stray natural gas are detected inside a building or structure at concentrations equal to or greater than 10% of the L.E.L., the operator and owner shall file a report with the Department by phone and email within 24 hours after the interview with the complainant and field survey of the extent of stray natural gas. Additional daily or weekly reports shall be submitted if requested by the Department.

(h) For all stray natural gas migration incidents, a final written report documenting the results of the investigation shall be submitted to the Department for approval within 30 days of the close of the incident, or in a time frame otherwise approved by the Department. The final report must include the following:

(1) Documentation of all results of the investigation, including analytical data and monitoring results.

(2) Operational changes established at the operator's oil and gas wells in this Commonwealth.

(3) Measures taken by the operator to repair any defects at any of the investigated oil and gas wells.

(i) Reports submitted in accordance with this section that contain an analysis of geological or engineering data shall be prepared and sealed by a geologist or engineer licensed in this Commonwealth.

PLUGGING

§ 78.92. Wells in coal areas—surface or coal protective casing is cemented.

(a) In a well underlain by a workable coal seam, where the surface casing or coal protective casing is cemented and the production casing is not cemented or the production casing is not present, the owner or operator shall plug the well as follows:

(1) The retrievable production casing shall be removed by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 50 feet below the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of cement, which shall extend for at least 50 feet above this stratum. Each overlying formation bearing or having borne oil, gas or water shall be plugged with cement a minimum of 50 feet below this formation to a point 50 feet above this formation. The zone between cement plugs shall be filled with nonporous material. The cement plugs shall be placed in a manner that will completely seal the hole. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other materials approved by the Department. Where the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d) (relating to general provisions).

(2) After plugging strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to a point approximately 100 feet below the surface or coal protective casing seat, whichever is deeper. At this point, a 100-foot plug of cement shall be installed.

(3) After the plug has been installed below the casing seat, the inner casing shall be emptied of liquid from the surface to the plug of cement. A vent or other device approved by the Department shall then be installed on top of the inner string of casing to prevent liquids and solids from entering the well but permit access to the full internal diameter of the inner casing when required. The vent or other device approved by the Department must extend, when finally in place, a distance of at least 72 inches above ground level and the permit or registration number must be permanently affixed.

(b) The owner or operator shall plug a well, where the surface casing, coal protective casing and production casing are cemented, as follows:

(1) If the total depth or attainable bottom is deeper than the cemented production casing seat, the operator shall plug that portion of the well under subsection (a)(1).

(2) Cement plugs shall be set in the cemented portion of the production casing so that the plugs will extend from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above each stratum bearing or having borne oil, gas or water. A Department-approved mechanical plug may be set 20 feet above each stratum bearing or having borne oil, gas or water as a substitute for the plug of cement. Nonporous material must separate each cement plug or mechanical plug. The operator may treat multiple strata as one stratum and plug as described in this subsection

with a single column of cement or other materials as approved by the Department.

(3) Following the plugging of the cemented portion of the production casing, the uncemented portion of the production casing shall be separated from the cemented portion and retrieved by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The maximum distance the stub of the uncemented portion of the production casing may extend is 100 feet below the surface or coal protective casing whichever is lower. In no case may the uncemented portion of the casing left in the well extend through a formation bearing or having borne oil, gas or water. Other stratum above the cemented portion of the production casing bearing or having borne oil, gas or water shall be plugged by filling the hole with nonporous material to 20 feet above the stratum and setting a 50-foot plug of cement. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other material as approved by the Department. When the uncemented portion of the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d).

(4) After plugging all strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to a point approximately 100 feet below the surface or coal protective casing seat, whichever is deeper. At this point a 200-foot cement plug shall be placed so that the plug extends from 100 feet below the casing seat to a point at least 100 feet above the casing seat.

(5) After the 200-foot plug has been installed, the remainder of the well shall be plugged and vented as described in subsection (a)(3).

(c) A person authorized by the Department under the act or section 13 of the Coal and Gas Resource Coordination Act (58 P. S. § 513) to plug a gas well that penetrates a workable coal seam that was drilled prior to November 30, 1955, or which was permitted after that date but not plugged in accordance with the act, shall plug the well to mine through it in the following manner:

(1) The gas well shall be cleaned out to a depth of at least 200 feet below the coal seam which is proposed to be mined and, unless impracticable, to a point 200 feet below the deepest mineable coal seam that the well penetrates.

(2) The gas well shall be plugged in accordance with section 13(a)(1), (2), (3) or (4) of the Coal and Gas Resource Coordination Act.

§ 78.93. Wells in coal areas—surface or coal protective casing anchored with a packer or cement.

(a) In a well where the surface casing or coal protective casing and production casing are anchored with a packer or cement, the owner or operator shall plug the well as follows:

(1) The retrievable production casing shall be removed by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force

equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 50 feet below the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of cement, which must extend for at least 50 feet above this stratum. Each overlying formation bearing or having borne oil, gas or water shall be plugged with cement a minimum of 50 feet below this formation to a point 50 feet above this formation. The zone between cement plugs shall be filled with nonporous material. The cement plugs shall be placed in a manner that will completely seal the hole. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other material as approved by the Department. When the production casing is not retrievable, the operator shall plug this portion of the well under § 78.91(d) (relating to general provisions).

(2) The well shall then be filled with nonporous material to a point approximately 200 feet below the lowest workable coal seam, or surface or coal protective casing seat, whichever is deeper. Beginning at this point a 100-foot plug of cement shall be installed.

(3) After it has been established that the surface casing or coal protective casing is free and can be retrieved, the surface or coal protective casing shall be retrieved by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. A string of casing with an outside diameter of at least 4 1/2 inches for gas wells, or at least 2 inches for oil wells, shall be run to the top of the 100-foot plug described in paragraph (2) and cemented to the surface.

(4) If the surface or coal protective string is not free and cannot be retrieved, it shall be perforated or cut below the lowest workable coal to allow the cement used to cement the 4 1/2-inch or 2-inch casing to communicate between the surface casing or coal protective casing, or both, and the well bore. A string of casing of at least 4 1/2 inches for gas wells or at least 2 inches for oil wells shall be run to the top of the 100-foot plug described in paragraph (2) and cemented to the surface.

(5) The inner casing shall then be emptied of liquid and cement from the base of the casing to the surface and a vent or other device approved by the Department shall be installed on the top of the casing to prevent liquids and solids from entering the well, but permit ready access to the full internal diameter of the inner casing. The inner string of casing and the vent or other device approved by the Department must extend, when finally in place, a distance of at least 72 inches above ground level and the permit or registration number must be permanently affixed to the vent.

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§ 78.94. Wells in noncoal areas—surface casing is not cemented or not present.

(a) The owner or operator shall plug a noncoal well, where the surface casing and production casing are not cemented, or is not present as follows:

(1) The retrievable production casing shall be removed by applying a pulling force at least equal to the casing

weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 50 feet below the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of cement, which must extend for at least 50 feet above this stratum. Each overlying formation bearing or having borne oil, gas or water shall be plugged with cement a minimum of 50 feet below this formation to a point 50 feet above this formation. The zone between cement plugs shall be filled with nonporous material. The cement plugs shall be placed in a manner that will completely seal the hole. The operator may treat multiple strata as one stratum and plug as described in this paragraph with a single column of cement or other materials as approved by the Department. When the production casing is not retrievable, the operator shall plug this portion of the well under § 78.91(d) (relating to general provisions).

(2) After plugging strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to approximately 100 feet below the surface casing seat and there shall be placed another plug of cement or other equally nonporous material approved by the Department extending at least 50 feet above that point.

(3) After setting the uppermost 50-foot plug, the retrievable surface casing shall be removed by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The hole shall be filled from the top of the 50-foot plug to the surface with nonporous material other than gel. If the surface casing is not retrievable, the hole shall be filled from the top of the 50-foot plug to the surface with a noncementing material.

(b) The owner or operator shall plug a well, where the surface casing is not cemented or not present, and the production casing is cemented as follows:

(1) If the total depth or attainable bottom is deeper than the cemented production casing seat, the operator shall plug that portion of the well under subsection (a)(1).

(2) Cement plugs shall be set in the cemented portion of the production casing so that each plug extends from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above each stratum. A Department-approved mechanical plug may be used as a substitute for the plug of cement. The mechanical plug shall be set 20 feet above each stratum having borne oil, gas or water. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other material approved by the Department.

(3) Following the plugging of the cemented portion of the production casing, the uncemented portion of the production string shall be separated from the cemented portion and retrieved. The maximum distance the stub of the uncemented portion of the production casing may

extend is 100 feet below the surface casing. In no case may the uncemented portion of the production casing left in the hole extend through stratum bearing or having borne oil, gas or water. Other stratum bearing or having borne oil, gas or water shall be plugged by filling the hole with nonporous material to 20 feet above the stratum and setting a 50-foot plug of cement. When the uncemented portion of the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d).

(4) The remainder of the well shall be plugged under subsection (a)(2) and (3).

§ 78.95. Wells in noncoal areas—surface casing is cemented.

(a) The owner or operator shall plug a well, where the surface casing is cemented and the production casing is not cemented or not present, as follows:

(1) The retrievable production casing shall be removed by applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% whichever is greater. If this fails, an attempt shall be made to separate the casing by cutting, ripping, shooting or other method approved by the Department, and making a second attempt to remove the casing by exerting a pulling force equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater. The well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 50 feet below the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of cement, which extends for at least 50 feet above this stratum. Each overlying formation bearing or having borne oil, gas or water shall be plugged with cement a minimum of 50 feet below this formation to a point 50 feet above this formation. The zone between cement plugs shall be filled with nonporous material. The cement plugs shall be placed in a manner that will completely seal the hole. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other materials as approved by the Department. When the production casing is not retrievable, the operator shall plug this portion of the well under § 78.91(d) (relating to general provisions).

(2) After plugging all strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to approximately 100 feet below the surface casing seat. Another plug of cement, or other equally nonporous material approved by the Department, shall be placed extending at least 50 feet above that point.

(3) After setting the 50-foot plug, the hole shall be filled from the top of the 50-foot plug to the surface with a noncementing material or the operator shall set a 100-foot cement plug which extends 50-feet into the surface casing and fill the hole to the surface with noncementing material.

(b) The owner or operator shall plug a noncoal well, where the surface casing and production casing are cemented, as follows:

(1) If the total depth or attainable bottom is deeper than the cemented production casing seat, the operator shall plug that portion of the well under subsection (a)(1).

(2) Cement plugs shall be set in the cemented portion of the production casing so that each plug extends from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above the stratum. A Department-approved mechanical plug may be

used as a substitute for the plug of cement. The mechanical plug shall be set 20 feet above each stratum having borne oil, gas or water. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other materials approved by the Department.

(3) Following the plugging of the cemented portion of the production casing, the uncemented portion of the production string shall be separated from the cemented portion and retrieved. The maximum distance the stub of the uncemented portion of the production casing may extend is 100 feet below the surface casing. In no case may the uncemented portion of the production casing left in the hole extend through stratum bearing or having borne oil, gas or water. Other stratum bearing or having borne oil, gas or water shall be plugged by filling the hole with nonporous material to 20 feet above the stratum and setting a 50-foot plug of cement. When the uncemented portion of the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d).

(4) The remainder of the well shall be plugged under subsection (a)(2) and (3).

§ 78.96. Marking the location of a plugged well.

Upon the completion of plugging or replugging a well, the operator shall erect over the plugged well a permanent marker of concrete, metal, plastic or equally durable material. The marker must extend at least 4 feet above the ground surface and enough below the surface to make the marker permanent. Cement may be used to hold the marker in place provided the cement does not prevent inspection of the adequacy of the well plugging. The permit or registration number shall be stamped or cast or otherwise permanently affixed to the marker. In lieu of placing the marker above the ground surface, the marker may be buried below plow depth and shall contain enough metal to be detected at the surface by conventional metal detectors

Subchapter E. WELL REPORTING

§ 78.121. Production reporting.

(a) The well operator shall submit an annual production and status report for each permitted or registered well on an individual basis, on or before February 15 of each year. The operator of a well permitted to produce gas from the Marcellus shale formation shall submit a production and status report for each well on an individual basis, on or before February 15 and August 15 of each year. Production shall be reported for the preceding calendar year or in the case of a Marcellus shale well, for the preceding 6 months. When the production data is not available to the operator on a well basis, the operator shall report production on the most well-specific basis available. The annual production report must include information on the amount and type of waste produced and the method of waste disposal or reuse. Waste information submitted to the Department in accordance with this subsection is deemed to satisfy the residual waste biennial reporting requirements of § 287.52 (relating to biennial report).

(b) The production report shall be submitted electronically to the Department through its web site.

§ 78.122. Well record and completion report.

(a) For each well that is drilled or altered, the operator shall keep a detailed drillers log at the well site available for inspection until drilling is completed. Within 30 calendar days of cessation of drilling or altering a well,

the well operator shall submit a well record to the Department on a form provided by the Department that includes the following information:

- (1) Name, address and telephone number of the permittee.
- (2) Permit number, and farm name and number.
- (3) Township and county.
- (4) Date drilling started and completed.
- (5) Method of drilling.
- (6) Size and depth of conductor pipe, surface casing, coal protective casing, intermediate casing, production casing and borehole.
- (7) Type and amount of cement and results of cementing procedures.
- (8) Elevation and total depth.
- (9) Drillers log that includes the name and depth of formations from the surface to total depth, depth of oil and gas producing zone, depth of fresh water and brines and source of information.
- (10) Certification by the operator that the well has been constructed in accordance with this chapter and any permit conditions imposed by the Department.

(11) Other information required by the Department.

(b) Within 30 calendar days after completion of the well, the well operator shall submit a completion report to the Department on a form provided by the Department that includes the following information:

- (1) Name, address and telephone number of the permittee.
- (2) Name, address and telephone number of the service companies.
- (3) Permit number and farm name and number.
- (4) Township and county.
- (5) Perforation record.
- (6) Stimulation record which includes the following:
 - (i) A descriptive list of the chemical additives in the stimulation fluid, including any acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor and surfactant.
 - (ii) The percent by volume of each chemical additive in the stimulation fluid.
 - (iii) A list of the chemicals in the Material Safety Data Sheets, by name and chemical abstract service number, corresponding to the appropriate chemical additive.
 - (iv) The percent by volume of each chemical listed in the Material Safety Data Sheets.
 - (v) The total volume of the base fluid.
 - (vi) A list of water sources used under an approved water management plan and the volume of water used from each source.
 - (vii) The total volume of recycled water used.
 - (viii) The pump rate and pressure used in the well.
- (7) Actual open flow production and shut in surface pressure.
- (8) Open flow production and shut in surface pressure, measured 24 hours after completion.

(c) When the well operator submits a stimulation record, it may designate specific portions of the stimulation record as containing a trade secret or confidential proprietary information. The Department will prevent disclosure of the designated confidential information to the extent permitted under the Right-to-Know Law (65 P. S. §§ 67.101—67.3103).

(d) In addition to submitting a stimulation record to the Department under subsection (b), and subject to the protections afforded for trade secrets and confidential proprietary information under the Right-to-Know Law, the operator shall arrange to provide a list of the chemical constituents of the chemical additives used to hydraulically fracture a well, by chemical name and abstract service number, unless the additive does not have an abstract service number, to the Department upon written request by the Department.

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